

**DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

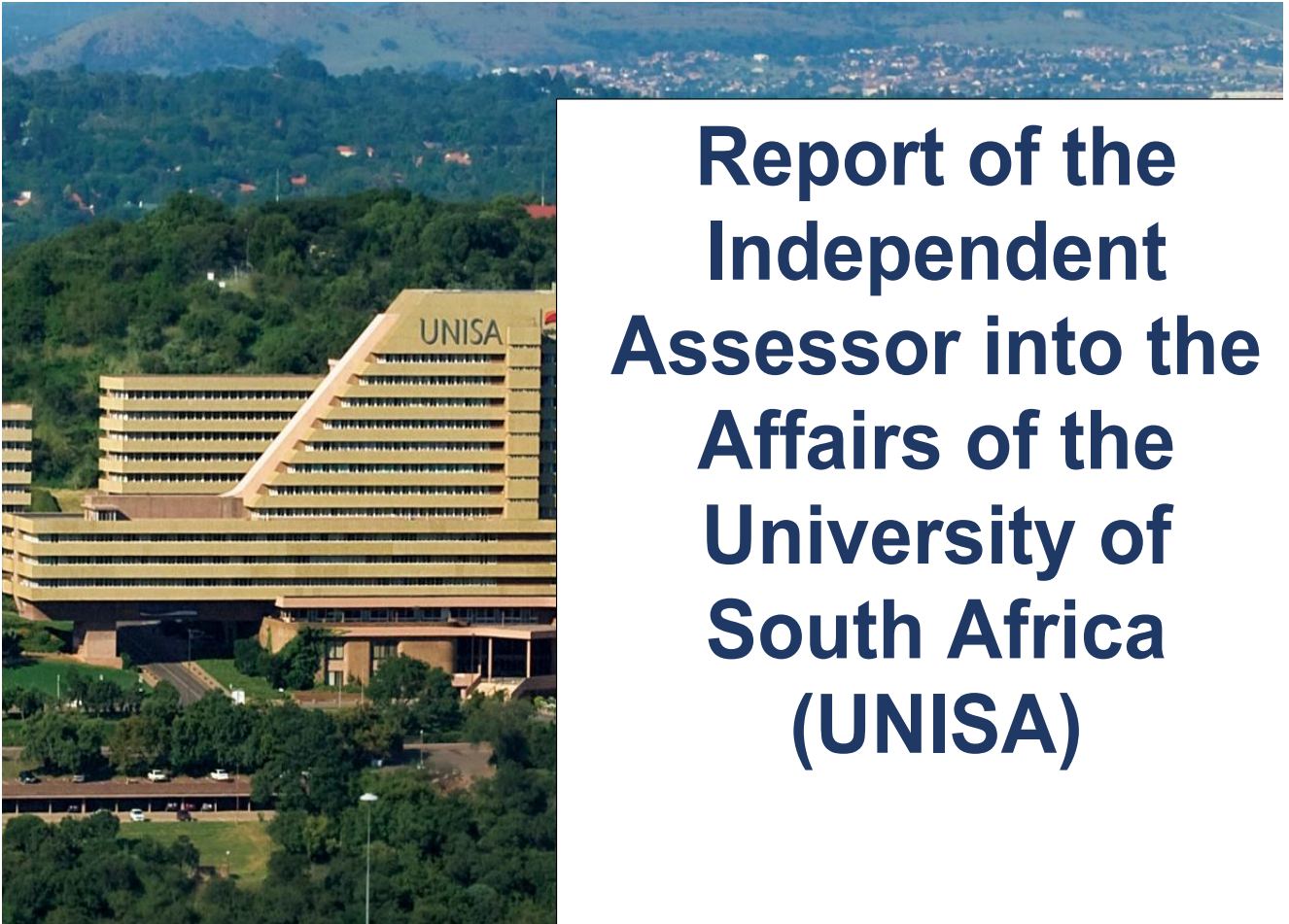
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**HIGHER EDUCATION ACT (ACT 101 OF 1997, AS AMENDED)****REPORT OF THE INDEPENDENT ASSESSOR INTO THE AFFAIRS OF THE UNIVERSITY OF SOUTH AFRICA (UNISA), PROFESSOR N. THEMBA MOSIA TO THE MINISTER OF HIGHER EDUCATION, SCIENCE AND INNOVATION, DR BE NZIMANDE**

I, **Dr BE Nzimande, MP**, Minister of Higher Education, Science and Innovation in accordance with Section 47 (2) of the Higher Education Act (Act 101 of 1997, as amended), publish the Report of the Independent Assessor, Professor N. Themba Mosia appointed under Sections 44 (1) of the same Act, on the investigation conducted into the affairs of the University of South Africa, as set out in the Schedule.

**DR BE NZIMANDE, MP****MINISTER OF HIGHER EDUCATION, SCIENCE AND INNOVATION****DATE: 12/05/2023**



# Report of the Independent Assessor into the Affairs of the University of South Africa (UNISA)

March 2023

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**Prof N Themba Mosia**

# **Report of the Independent Assessor into the Affairs of the University of South Africa (UNISA)**

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## List of Abbreviations and Acronym

AERMCoC	Audit and Enterprise Risk Management Committee of Council
AG	Auditor General
APA	Auditing Profession Act No 26 of 2005
APSA	Academic and Professional Staff Association
ARCSWID	Advocacy and Research Centre for Students with Disabilities
ASACoC	Academic and Student Affairs Committee of Council
ASSA	Accounting Sciences Student Association
BCCoC	Brand and Communication Committee of Council
BEE	Black Economic Empowerment
BF	Black Forum
BOBs	Branch Office Bearers
CAE	Chief Audit Executive
CAES	College of Agriculture & Environmental Sciences
CAS	College of Accounting Science
CCMA	Commission for Conciliation, Mediation and Arbitration
CE	College of Education
CEDUSA	College of Education Student Association (
CEMS	College of Economic & Management Sciences
CFO	Chief Financial Officer
CGS	College of Graduate Studies
CHE	Council on Higher Education
CHS	College of Human Sciences
CIO	Chief Information Officer / VP: ICT
CLAW	College of Law
CoD	Chair of Department
CPR	Composite Performance Rating
CSET	College of Science, Engineering & Technology
CV	Curriculum Vitae
DB	Defined Benefit
DC	Defined Contribution
DD	Deputy Director
DHET	Department of Higher Education and Training
DOA	Delegation of Authority
DoS	Dean of Students



DSD	Department of Student Development
DVC	Deputy Vice-Chancellor
ED	Executive Director
ER	Employee Relations
ERP	Enterprise Resource Planning
EXCO	Executive Committee
FEF	Finance Executives Forum
FIECoC	Finance, Investment and University Estates Committee of Council
FTC	Fixed Term Contract
FTEN	First Time Entering Student Numbers
GSBL	Graduate School of Business Leadership
HE Act	Higher Education Act 101 of 1997 (as amended)
HEMIS	Higher Education Monitoring and Information System
HR	Human Resources
HRCoC	Human Resources Committee of Council
IAS	International Accounting Standard
ICT	Information & Communication Technology
ICTCoC	Information & Communication Technology Committee of Council
ID	Institutional Development
IEG	Infrastructure and Efficiency Grant
IF	Institutional Forum
IPMS	Integrated Performance Management System
IRBA	The Independent Regulatory Board for Auditors
LMS	Learning Management Systems
LSO	Legal Service Office
ManCom	Management Committee
Manrem	Management Remuneration Committee
MFA	Multi-Factor Authentication
Minister	Minister of Higher Education, Science and Innovation
MOU	Memorandum of Understanding
MTEF	Medium term Expenditure Framework
MTT	Ministerial Task Team
NEC	National Executive Committee
NEHAWU	National Health, Education and Allied Workers Union
NGCoC	Nominations and Governance Committee of Council
NSFAS	National Student Financial Aid Scheme

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NSRC	National Student Representative Council
NUTESA	National Union of Tertiary Employees of South Africa
ODEL	Open Distance e-Learning
OIC	Operational Investment Committee
PAIA	Promotion of Access to Information Act
PMO	Project Management Office
POPIA	Protection of Personal Information Act
PPPFA	Preferential Procurement Policy Framework Act 5 of 2000
PreCCAA	Prevention and Combatting of Corrupt Activities Act, 12 of 2004
PURCO	Purchasing Consortium Southern Africa
PVC	Pro Vice-Chancellor
REMCOC	Remuneration Committee of Council
RPA	Recognition and Procedural Agreement
RSRC	Regional Student Representative Council
SAHRC	South African Human Rights Commission
SAICA	South African Institute of Chartered Accountants
SAPS	South African Police Service
SAPTU	South African Parastatal and Tertiary Institutions Union
SCM	Supply Chain Management
SCSC	Student Communication Service Centre
SECoC	Social Ethics Committee of Council
SETSA	Science Engineering Technology Student Association
SIS	Student Information System
SRC	Student Representative Council
SSC	Student Services Council
ToRs	Terms of Reference
TWC	Tender Working Committee
UBF	UNISA Bargaining Forum
UE	UNISA Enterprises (Pty) Ltd
ULSA	UNISA Law Students Association
UNISA	University of South Africa
VC	Principal and Vice-Chancellor
VUDEC	Vista University Distance Education Campus
VP	Vice-Principal

## Acknowledgements

I wish to acknowledge and formally thank the UNISA community for the cooperation rendered in this important and challenging task.

The Chairperson of Council, Mr JM Maboja for his prompt assistance in all matters raised with him. Members of the Council and their support of this process from the beginning to the end, very few did not appear to take this assessment seriously. The Principal and Vice Chancellor (VC) Prof P LenkaBula for personally ensuring that our needs were addressed as efficiently as possible. The Extended Management team for ensuring access to information and staff in their varied portfolios.

I would also like to acknowledge the candid manner in which students shared their experiences with the Assessor Team of Experts. Unisans in general cooperated fully with the assessment. I was granted unrestricted access to UNISA, persons, locations and documentation necessary to carry out the investigation. Many people were interviewed, and they offered their time and took me into their confidence. I thank them for that. Although, there were striking cases of contempt to the assessment by two employees of UNISA whose conduct was unprofessional almost displaying arrogance and belligerence towards the Assessor Team; as well as what struck me as an 'untouchable status' within the University and a larger-than-the-university type of attitude. This is regrettable, but I am hopeful that the bigger interests of UNISA will prevail.

The liaison at the University in the Office of the VC, Dr O Mabusela tirelessly attended to all the requests of the assessment, and generally doing everything to make me and the team comfortable.

I would not have been able to accomplish this complex task without a team of specialists whom I appointed in terms of the provisions of the Act. I acknowledge the expertise of Prof Q Vorster (Finance), Ms Z Walele (Legal and HR), Dr C Myburgh (Student Systems and Organisational Behaviour) and R Van Huysteen (ICT). I wish to acknowledge Dr P Vukea and the support of the team from the Department of Higher Education and Training (DHET) for the superior and professional manner in which they attended to all information management needs, logistics and liaison with all the interviews and the University.

Finally, I wish to thank the Minister of Higher Education, Science and Innovation, Dr BE Nzimande for appointing me and for making the resources of the Department available for me to undertake this mammoth task. It has been a huge privilege and an honour and a great responsibility to take on this task.

**Prof N Themba Mosia**

**13 March 2023**

## Executive Summary

This document reports on the findings of the Independent Assessment of the University of South Africa as requested by the Minister of Higher Education, Science and Innovation by Notice in the Government Gazette (no. 46904, Notice No. 2480 of 13 September 2022). The Terms of Reference included, *inter alia*, an assessment of the functioning and efficacy of the governance and management structures; the operations of the Office of the Registrar; the state of policies and procedures of the university pertaining to financial management, supply chain management and procedures; and allegations of financial irregularities; the state of the human resources policies and practices of the university, particularly in relation to enhancing organisational efficiency and employment relations; a detailed analysis and reasons for the significant number of staff suspensions, disciplinary cases and dismissals at the university since 2018; allegations of misconduct and mismanagement against the Vice-Chancellor; and any other matter, in the opinion of the Assessor, that may impact on the functioning of the university from an analysis of problems relating to governance and management.

For purposes of this assessment, I gathered data and information from a range of institutional policies, reports, minutes of meetings, submissions from the University community, social media posts and media reports, and numerous interviews of a wide ranging spectrum of UNISA stakeholders. Further to this, I read all submissions made to the Minister on UNISA, since 2015. The evidence presented in this report is selected from sources identified in the report and university records. As indicated elsewhere in the report, some stakeholders were afraid of victimisation and intimidation hence their identity is protected, except for Management in certain higher levels, and Council.

This assessment revealed a cauldron of instability characterised by a culture of fear, intimidation and bullying, instances of maladministration, financial irregularities, human resources failures, a very fragile and troubled ICT environment, poor student services, academic malpractices, leakages of confidential records, and questionable Management and Council decisions, amongst others.

I do not intend to present a detailed Executive Summary because I believe that it is crucial for the report to be read in its entirety because all the important matters identified in the terms of reference are interrelated and inextricably intertwined.

The introduction presents a brief history of the University as well as the institutional profile at the time of its assessment. UNISA has a proud history of impacting individual lives of the people of this continent positively, and South Africa's intellectual journey and economic development in particular. The year 2023 marks its 150<sup>th</sup> year of existence. The university's anniversary year is blemished by a range of controversies and a failure to live up to its mission and strategic goals. A number of these controversies elicited the Human Rights Commission report, the Ministerial Task Team Report, and

now this Independent Assessor report, all of which do not present a positive outlook for the University.

UNISA has a range of policies that are aimed at governing its operations. Policies are formulated to guide, direct and protect staff, students and the university in general. I found that many policies are outdated and have not been reviewed as required by the university. In addition, many policies are violated by both Management and Council. Non-compliance to policies and condonation of questionable decisions are pervasive. As a result of non-adherence to policies and other factors, I found that it is fashionable at UNISA to seek legal opinions that come at a very high cost to UNISA. The legal office is not only short staffed, but is heavily reliant on external service providers over matters that can ordinarily be dispensed off by a reasonably well capacitated legal office. Although I heard many times that UNISA is complex, it is a reasonably fair expectation for the university to have well designed policies that are complied with by all.

My assessment is that the University Council failed in its responsibility to ensure stability, strategic direction, financial compliance and a positive public image of the University. Council has not exercised the duty of care by taking the public in its confidence to be faithful and honest in the execution of the mandate bestowed on them by section 27 of the Higher Education Act, to govern the university, complying with the Reporting Regulations for Public Universities and ensuring an efficient utilisation of university resources and the integrity of the academic environment.

The problems at UNISA have been left for too long to metastasise to a point where all sections of the University are affected in one way or the other. Although the autonomy of universities and their academic freedom are paramount, they are required to be accountable for the resources allocated to them, including to ensure that students are taught well and have a rewarding experience of the University. I have noted numerous meetings held by the Minister with UNISA, and my view is that they did not amount to any intervention that could have prevented the Ministerial Task Team to be appointed. Furthermore, I do not have evidence that the previous VC was assertive enough to protect the institution, including seeking a serious intervention from the Minister.

The report details the inefficiencies in the Registrar's portfolio insofar as delivering impeccable services to students, the management of academic affairs and related functions. UNISA has left the structure of the Office of the Registrar to be bloated and ineffective without due consideration of its agility, flexibility and right sizing. Policy failure abound in the portfolio as the report details some of instances that render the office dysfunctional. Support for credible assessments permeate across Colleges and ICT as well. During this assessment, the office of the Dean of Students, which reports to the Registrar, had been dysfunctional partly because of immature handling of the conflict between the Registrar and the VC.

I performed a detailed analysis of the management of finances. I found financial irregularities particularly in SCM, including policy deviations, disregard for due process and other questionable decisions by Management and Council. I also assessed the work of the Operational Investment Committee and supply chain processes in this area. Among other aspects I assessed, is the efficacy of the UNISA Enterprises (Pty) Ltd, and analysed UNISA's financial statements for a five-year period. An assessment of the third stream income posed serious challenges for UNISA. I further assessed the Audit function encompassing both internal and external audit reports. External Auditors resigned before finishing their full term as a result of what they consider a high risk profile of UNISA. The University explained to me their side of the story and differences they had with External Auditors. I did not go into much detail because that warrants a separate investigation, particularly in respect of the return on investment by the state given the poor service delivery to students at UNISA.

Human resources and organised labour at UNISA is a source of concern for many Unisans. My analysis of policies is that there is general non-compliance and nonchalant practices that do not respect the University. Staff in the HR department are also alleged to have a differential treatment of employees and in some instances favour the trade unions. The organisational structure is not fit for purpose, and this has been left for too long to address so that the university can function optimally. I received many complaints from Colleges and other administrative departments about the ineffectiveness of the HR department. Some suspensions take very long to conclude.

There is at UNISA a pervasive culture of fear, intimidation and bullying. Staff and students shared instances of what they describe as a toxic environment across the institution. Some staff and students were emotionally affected by this prevailing culture. In my attempt to elicit responses from the Employee Wellness, I was informed that there is no problem in that respect from which I observed that there was a deeper problem that the university is facing in boosting the morale of its employees and promoting trust between the employer and staff.

An analysis of the support given to the academic environment is a source of great concern. Academic departments are under-staffed, some experience burnout, it is reported that many assignments are either unmarked or lost. Some students write examinations without knowing their assignment marks. Lecturers are not available for their students as emails and telephones go unanswered - telephones are unanswered partly because people work from home. For those who answer telephones, often in Colleges in which students are not registered, they can only refer students back to where they reach a *cul de sac* after many attempts. The student call centre is also described as inaccessible and unhelpful.

The operating model of UNISA underpinned by ICT is a source of frustration for staff and students. There are many instances reported of system failures during examinations times, issues with the submission of assignments and problems accessing the Learning Management System. UNISA

transitioned into an online mode without being prepared and without preparing students adequately. The university is adamant to follow its nascent ODeL strategy to the fullest, irrespective of the outcries from students who are not all able to access learning material online, because they don't have the devices or data that UNISA now require from them. A hybrid model to transition into fully online appear not to enjoy any support despite the outcry of the students. It is my understanding that the ICT dysfunctionalities affect the whole university. Current systems are not integrated, they are outdated and in some instances not supported anymore. UNISA currently faces serious ICT risks.

The general student experience at UNISA is dismal. I found very little evidence of student centricity as far as it relates to UNISA's key stakeholder, its students. Students turn to social media to voice their concerns, as they are not getting through to the call centre and their enquiries are not attended within reasonable times. Academics who attempt to assist students get caught-up with administrative processes when they should be focussing on teaching and learning. New systems are implemented without proper consultation with staff and students and without the necessary training either, and when students experience challenges with the new systems they are unable to get assistance and support. There were many complaints about students that experienced system challenges during the examinations, for example with the invigilator app, or not being able to log into the system.

Students were saying that their biggest concern was that when these problems occurred, UNISA does not have the support structures in place for them to contact, i.e. call centre not responding, emails not replied to, etc. Students are rightfully frustrated in terms of service delivery at UNISA, about late results, waiting months for their completion letters, waiting months for their disciplinary cases to be heard, complaining about their information being available to external parties, and about UNISA's poor responsiveness, among others. Students are in many instances helpless and desperate.

I found it disheartening that instead of Council holding management responsible for the poor quality of services to students, Council states that *students have a tendency to complain* (UNISA 2021 Annual Report, under Council Statement on Sustainability, page 91).

I have incorporated findings and recommendations throughout the various sections of this report, and conclude the report with a set of recommendations to the Minister and recommendations for UNISA itself. I noticed during the conclusion of the assessment, a frantic move on the side of the University to address issues that were left unattended for the longest time, such as the filling of positions. From my perspective, it seems to be a strategy to circumvent some of the findings of the assessment. The problem here is that the haste may result in short-sighted and/or superficial solutions, which do not lift the University out of the quagmire it finds itself in and without lasting impact.

## 1. Introduction

### 1.1 History and Profile of the University

- a. UNISA boasts of being one of the world's largest open distance learning institutions and one of the oldest institutions in the country. Founded in 1873 as the University of the Cape of Good Hope, the institution's name was changed to the University of South Africa in 1916 and in 1918 it moved from Cape Town to Pretoria. Legislation in 1916 established UNISA as an autonomous University and a federal institution that would play an academic trusteeship role for several colleges that eventually became autonomous universities. In 1946, the University changed its focus and became a distance education university, which has defined the University's identity, character and objectives as they are known today. This identity of UNISA has been its strongest and positive attraction that it is open, flexible and affordable thus serving the needs of the most disadvantaged communities. The University also boasts of being an institution that has given access to tertiary education to all people, irrespective of race or colour, particularly given South Africa's history of apartheid. Its rich history includes a diverse mix of notable and famous alumni.
- b. On 1 January 2004, a new UNISA came into being as a comprehensive institution, resulting from a merger with Technikon Southern Africa (Technikon SA) and the incorporation of the Vista University Distance Education Campus, (VUDEC). The University in its current configuration has three campuses, the Muckleneuk Campus (Main Campus), the Florida Science Campus and the Sunnyside Campus.
- c. UNISA has six (6) regional centres covering the nine (9) provinces of South Africa as follows:

Midlands (6)	North-Eastern (5)	Gauteng (5)	KwaZulu-Natal (5)	Eastern Cape (3)	Western Cape (2)
Rustenburg (Hub)	Polokwane (Hub)	Sunnyside (Hub)	Durban (Hub)	East London (Hub)	Parow (Hub)
Potchefstroom	Makhado	Ekurhuleni	Pietermaritzburg	Mthatha	George
Bloemfontein	Giyani	Florida	New Castle	Port Elizabeth	
Kroonstad	Nelspruit	Vaal	Richards Bay		
Kimberly	Middelburg	Johannesburg	Wild Coast		
Mahikeng					



- d. The University is organised around eight (8) Colleges consisting of Schools and institutes and centres or units, each headed by an Executive Dean. launched virtually in September 2020.

#### College of Agriculture and Environmental Sciences (CAES)

1. **School of Agricultural and Life Sciences**
  - 1.1. Department of Agriculture and Animal Health
  - 1.2. Department of Life and Consumer Sciences
2. **School of Ecological and Human Sustainability**
  - 2.1. Department of Environmental Sciences
  - 2.2. Department of Geography
3. Applied Behavioural Ecology & Ecosystem Research Unit

#### College of Accounting Sciences (CAS)

1. **School of Accountancy**
  - 1.1. Department of Auditing
  - 1.2. Department of Financial Accounting
  - 1.3. Department of Management Accounting
  - 1.4. Department of Taxation
2. **School of Applied Accountancy**
  - 2.1. Department of Financial Governance
  - 2.2. Department of Financial Intelligence
3. **Centre for Accounting Studies**

#### College of Economic and Management Sciences (CEMS)

1. **School of Economic and Financial Sciences**
  - 1.1. Department of Decision Sciences
  - 1.2. Department of Economics
  - 1.3. Department of Finance, Risk Management and Banking
2. **School of Management Sciences**
  - 2.1. Department of Business Management
  - 2.2. Department of Human Resource Management
  - 2.3. Department of Industrial and Organisational Psychology
  - 2.4. Department of Marketing and Retail
3. **School of Public and Operations Management**
  - 3.1. Department of Applied Management
  - 3.2. Department of Public Administration and Management
  - 3.3. Department of Operations Management
4. **Centres**
  - 4.1. Centre for Business Management
  - 4.2. Centre for Industrial and Organisational Psychology
  - 4.3. Centre for Transport Economics, Logistics and Tourism
  - 4.4. Centre for Public Administration and Management
5. Institute for Corporate Citizenship

#### College of Graduate Studies (CGS)

1. **School of Interdisciplinary Research and Graduate Studies**
2. **School of Trans-Disciplinary Research and Graduate Studies**
3. **Ethiopia Regional Learning Centre**

#### Others

1. **Graduate School of Business Leadership (GSBL)**
2. **Thabo Mbeki African School of Public and International Affairs (TM- School)**

#### College of Human Sciences (CHS)

1. **School of Arts**
  - 1.1. Department of African Languages
  - 1.2. Department of Afrikaans and Theory of Literature
  - 1.3. Department of Art and Music
  - 1.4. Department of Communication Science
  - 1.5. Department of English Studies
  - 1.6. Department of Information Science
  - 1.7. Department of Linguistics and Modern Languages
2. **School of Humanities**
  - 2.1. Department of Anthropology and Archaeology
  - 2.2. Department of Biblical and Ancient Studies
  - 2.3. Department of Christian Spirituality, Church History and Missiology
  - 2.4. Department of History
  - 2.5. Department of Philosophy, Practical and Systematic Theology
  - 2.6. Department of Religious Studies and Arabic
3. **School of Social Sciences**
  - 3.1. Department of Development Studies
  - 3.2. Department of Health Studies
  - 3.3. Department of Political Sciences
  - 3.4. Department of Psychology
  - 3.5. Department of Social Work
  - 3.6. Department of Sociology
4. **Centres**
  - 4.1. Centre for Applied Information and Communication
  - 4.2. Centre for Applied Psychology
  - 4.3. Centre for Pan African Languages and Cultural Development
  - 4.4. Khanokhulu Centre
  - 4.5. The John Povey Centre for the Study of English in Southern Africa
5. **Institutes**
  - 5.1. Institute for Gender Studies
  - 5.2. Research Institute for Theology and Religion
  - 5.3. Institute for Social and Health Sciences
6. **Units**
  - 6.1. Anthropology and Archaeology Museum
  - 6.2. African Languages Literary Information Museum
  - 6.3. Unisa Art Gallery
  - 6.4. Chief Albert Luthuli Research Chair

#### College of Science, Engineering and Technology (CSET)

1. **School of Science**
  - 1.1. Department of Chemistry
  - 1.2. Department of Mathematical Sciences
  - 1.3. Department of Physics
  - 1.4. Department of Statistics
2. **School of Engineering**
  - 2.1. Department of Civil Engineering
  - 2.2. Department of Chemical Engineering
  - 2.3. Department of Electrical Engineering
  - 2.4. Department of Mining Engineering
  - 2.5. Department of Mechanical Engineering
  - 2.6. Department of Industrial Engineering
3. **School of Computing**
  - 3.1. Department of Computer Sciences
  - 3.2. Department of Information Systems

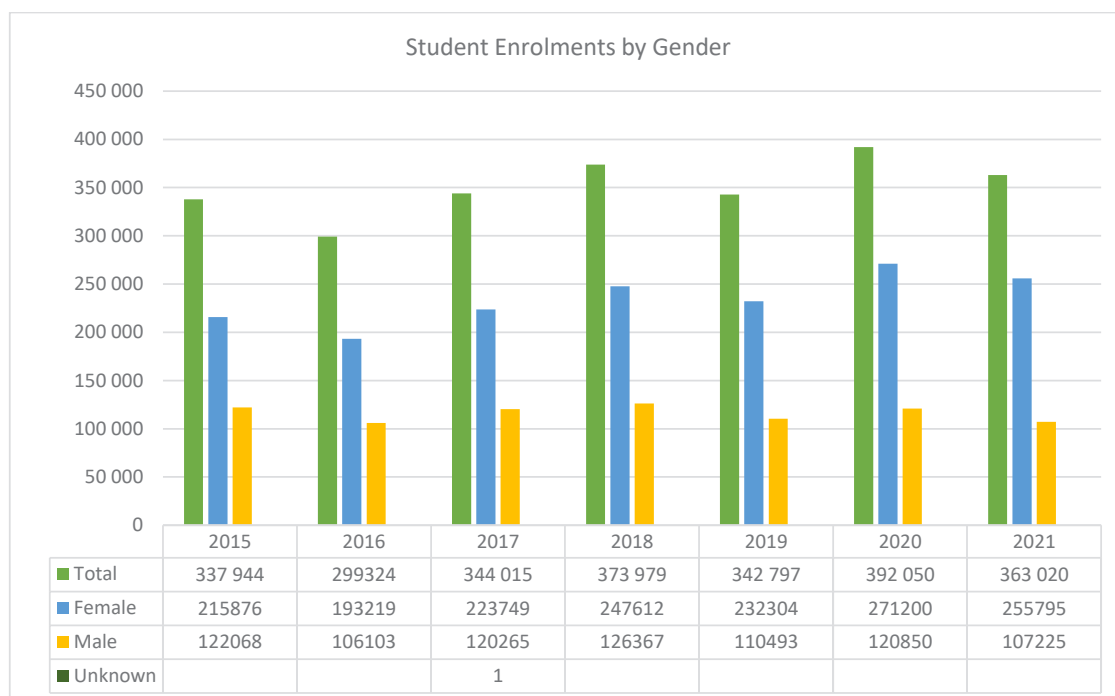
**College of Education (CE)**

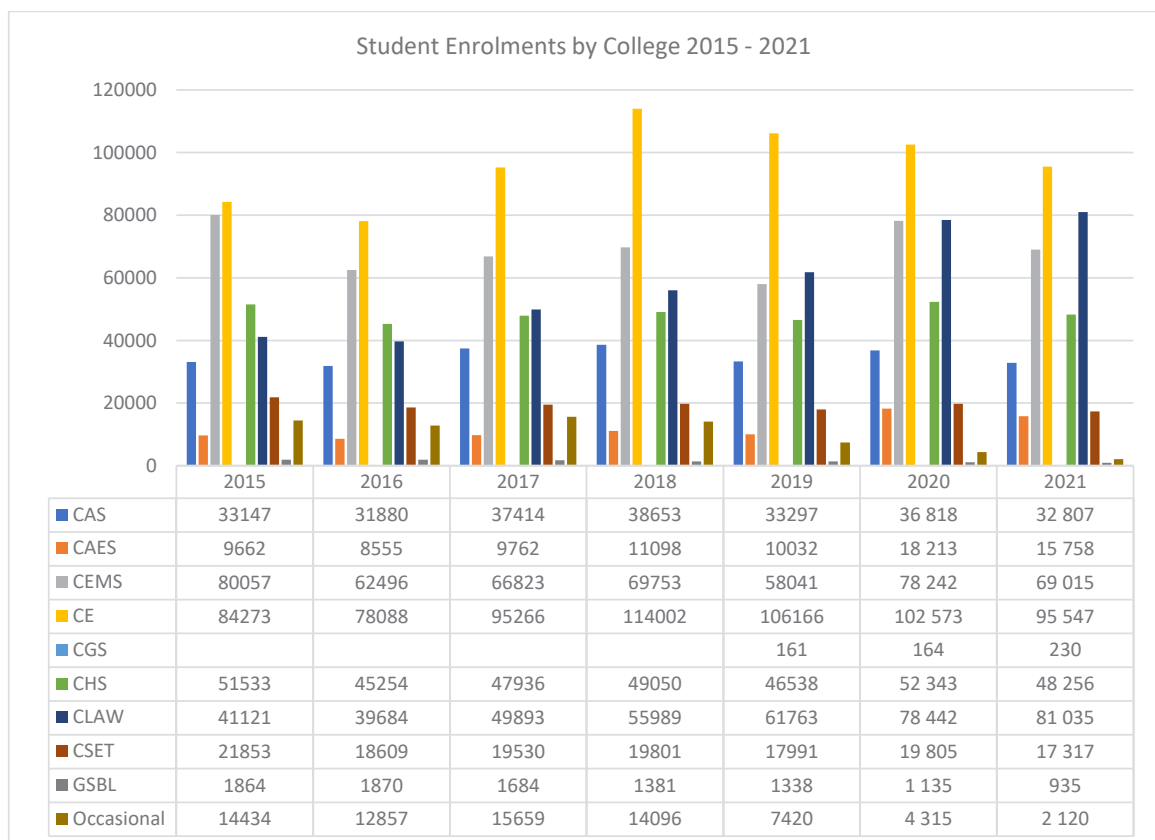
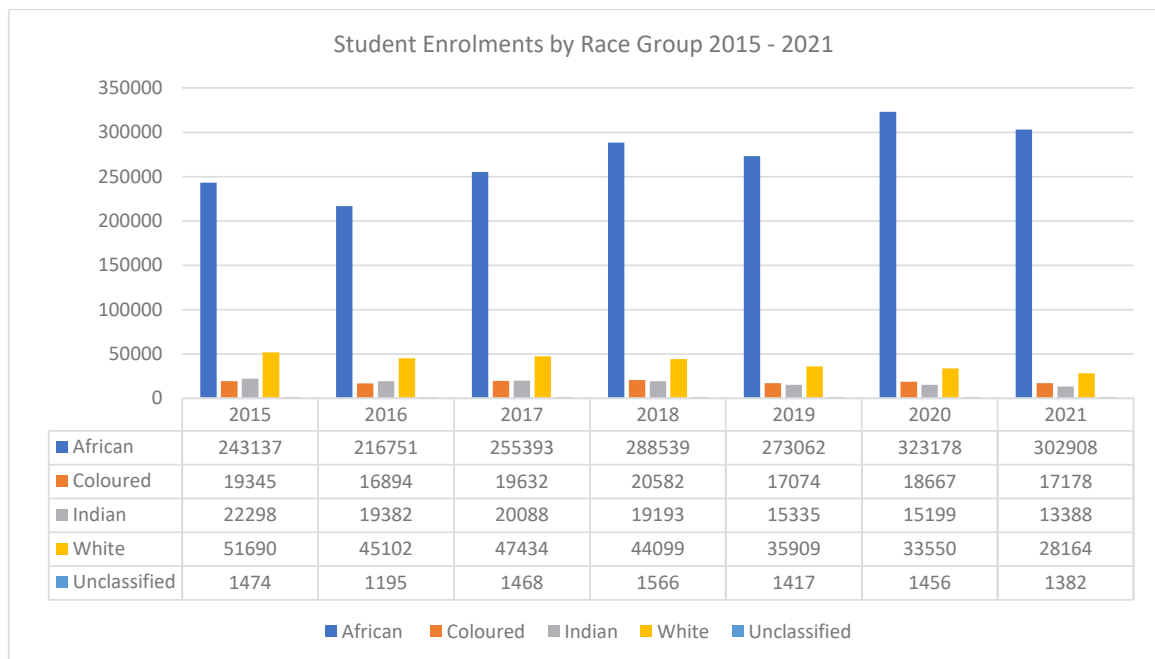
- 1. School of Educational Studies**
  - 1.1. Department Adult Community and Continuing Education
  - 1.2. Department of Educational Foundations
  - 1.3. Department of Psychology of Education
  - 1.4. Department of Inclusive Education
  - 1.5. Department of Educational Leadership and Management
- 2. School of Teacher Education**
  - 2.1. Department of Mathematics Education
  - 2.2. Department of Science and Technology Education
  - 2.3. Department of Language Education, Arts and Culture
  - 2.4. Department of Curriculum and Instructional Studies
  - 2.5. Department of Early Childhood Education
- 3. Centres**
  - 3.1. Centre for Continuing Education and Training
  - 3.2. Teaching Practice Office
- 4. Institutes**
  - 4.1. Institute for Open and Distance Learning

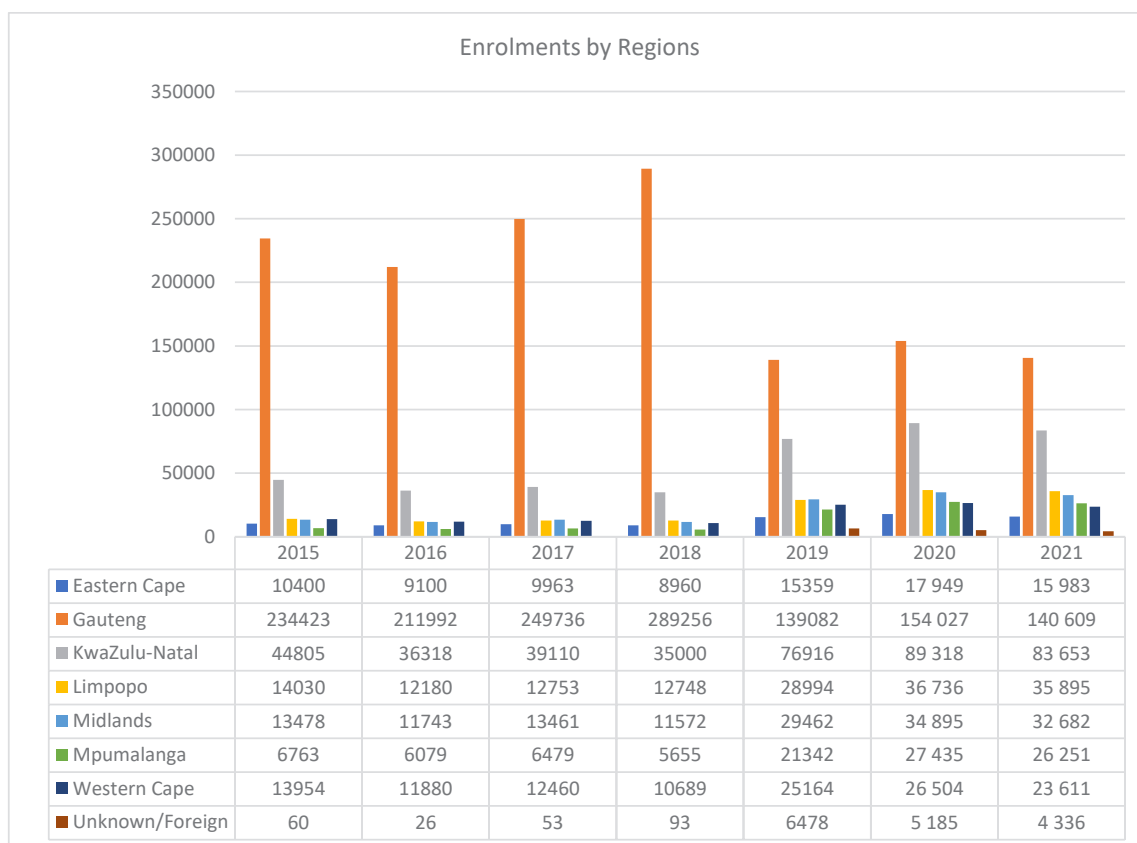
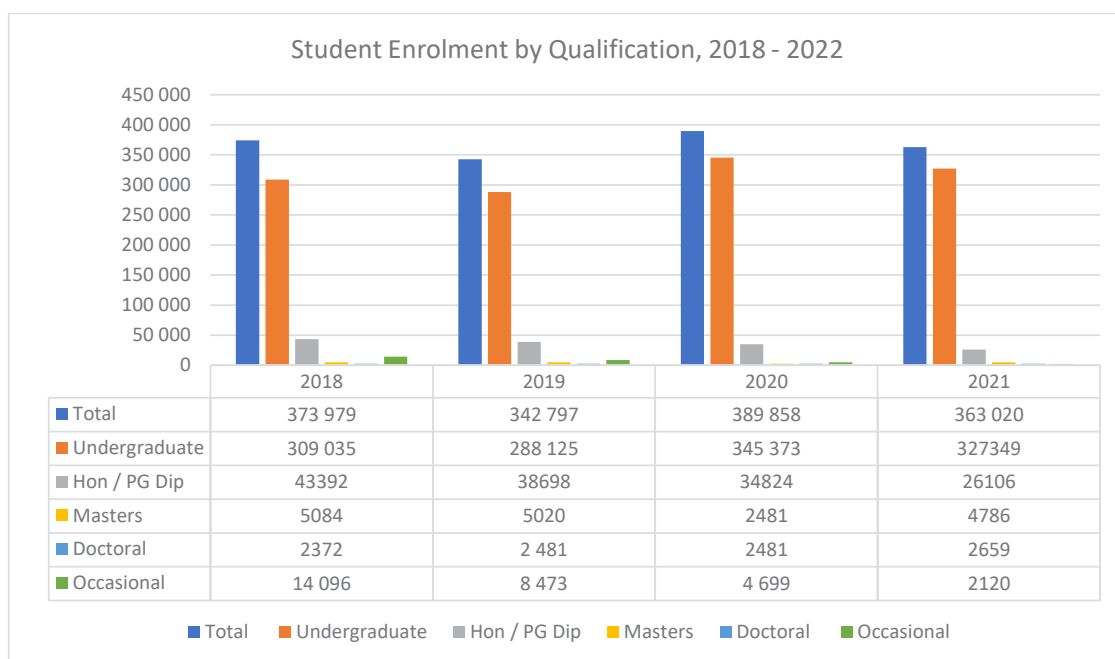
**College of Law (CLAW)**

- 1. School of Law**
  - 1.1. Department of Criminal and Procedural Law
  - 1.2. Department of Jurisprudence
  - 1.3. Department of Mercantile Law
  - 1.4. Department of Private Law
  - 1.5. Department of Public, Constitutional and International Law
- 2. School of Criminal Justice**
  - 2.1. Department of Criminology and Security Science
  - 2.2. Department of Corrections Management
  - 2.3. Department of Police Practice
- 3. Centres**
  - 3.1. Centre for Basic Legal Education
  - 3.2. Centre for Business Law
  - 3.3. Centre for Criminological Sciences
  - 3.4. Centre for Public Law Studies
  - 3.5. Centre for Indigenous Law
- 4. Institute for Dispute Resolution in Africa (IDRA)**
- 5. Unisa Law Clinic**

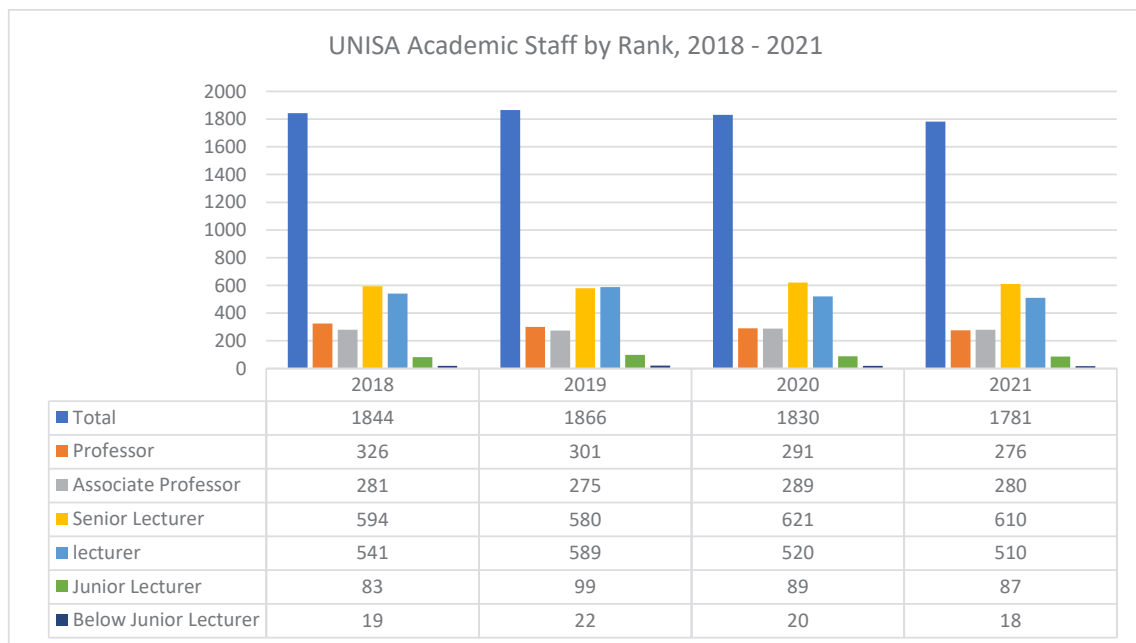
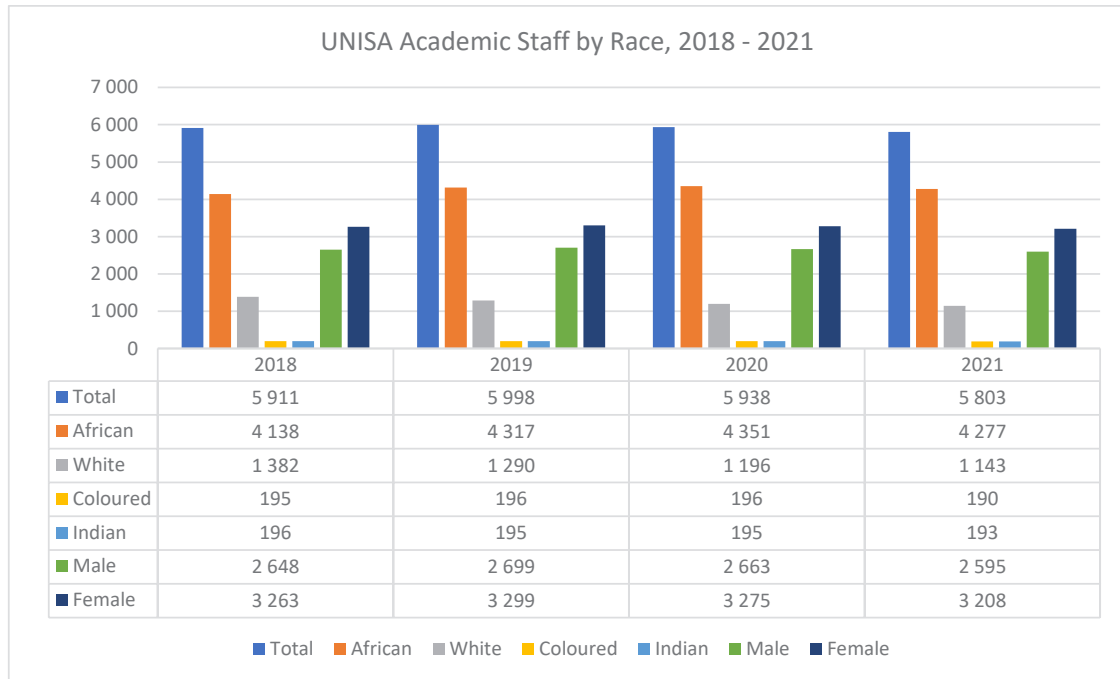
e. The University enrolls nearly a third of the South African public university sector students. According to data extracted from the final audited Higher Education Management Information System (HEMIS) submissions to the Department of Higher Education and Training (DHET), UNISA had 363 020 students enrolled in 2021, majority being females (70%) and Africans (83%). The College of Education was the largest of the eight colleges, with 26% (94 547) of the total student enrolments followed by the College of Law with 22% (81 035). In terms of the regions, Gauteng was the largest accounting for 39% of the enrolments (140 609) followed by KwaZulu-Natal at 23% (83 653).







- f. According to the same HEMIS data, UNISA had 5 803 permanent staff members in 2021 consisting of 3 208 females (55%) and 2 595 males (45%). The academic staff constitute 31% of the staff complement.



- g. In its UNISA 2030 Strategy (2016-2030) – Forging Ahead, the University articulates its Vision, Mission and Core Values as follows:
- i. UNISA's **vision** is to be “ *the African University shaping futures in the service of humanity*”.
  - ii. The **mission** of UNISA is articulated as follows: “ *We are a comprehensive, student-centred Open Distance e-Learning (ODEL) Institution, producing life-long quality university education for all and knowledge dissemination that is continentally responsive and globally relevant.*”
  - iii. The University is said to “ *unambiguously and unequivocally subscribe to the following values: Ethical and collective responsibility, Integrity, Innovation and excellence, responsive student-centredness, Dignity in diversity, Accountability*”.

## 1.2 Problem Statement

- a. The University's problems came to the fore around 2015, with reports of challenges in governance, management and the quality of higher education provision at UNISA. The key issues of concern for the Department included the allegations of deterioration of governance, instability of the executive management; continued complaints regarding student administration issues; the underspending of earmarked grants; poor throughput and success rates, and very high dropout numbers; specific concerns regarding the quality of teacher education provision; levels of support provided to students at the institution within the context of distance learning; and concerns around the enrolment planning processes.
- b. A new council was constituted around 2015, following the expiry of maximum allowable terms of office of the previous council members. This coincided with the appointment of the then Principal and Vice-Chancellor (VC) office for the second term (2016 – 2020). Frequent changes were observed in the person of the Registrar causing instability in the office. Prof Louis Molamu was the longest serving Registrar of the University in the recent times (2001 – 2012). He was succeeded by Prof Mogege Mosimege who was Registrar for a period of two years (Sep 2012 – Dec 2014), and he left citing allegations of unfair labour practice. Prof Michael Temane, who was Deputy Registrar then acted until the appointment of Prof Gordon Zide who also held the position for a period of two years (Sep 2015 – Dec 2016). Prof Temane again acted in the position until the appointment of Dr Faroon Goolam who was in the position from Sep 2018 to April 2019. Thereafter Prof A Phillips and Adv Joel Baloyi (the current Deputy Registrar: Governance) acted on a rotational basis from April to Dec 2019. The current Registrar Prof, Steward Mothata was appointed in 2020.

- c. Around 2019, the Minister became inundated with complaints from various members of the University community, alleging serious problems at the University. Amongst these was a complaint from a group calling themselves 'Concerned Academics and Professional Staff in the College of Law' (the Group), making allegations of serious violations of the rule of law, maladministration, abuse of power, capture and corruption at UNISA. At the heart of the complaint was the decision of the Executive Committee of Council (Exco) to place the College of Law under administration as a result of a protracted conflict amongst colleagues in the College, which had reportedly placed the normal functioning of the College in jeopardy. The Group questioned the legality, validity and enforceability of such a resolution. The Group further made several allegations in their complaint, the first being irregular appointments of prominent members of the UNISA Black Forum in the College of Law; second being the intimidation tactics by the members of the Black Forum to get contracts renewed without following due process. The members of the Black Forum within the College of Law were seen to have amassed far-reaching powers that negatively impacted on the ability of the College to function optimally and had usurped decision making at the University.
- d. Owing to such instances of intimidation and harassment, the then VC requested the South African Human Rights Commission (SAHRC) in December 2017, to conduct an investigation into allegations and counter-allegations of racism, harassment, bullying and victimisation at UNISA and advise the University on appropriate interventions to address these challenges. The decision to approach the SAHRC stemmed from a considered view that the nature and depth of the issues to be investigated required the involvement of an external, independent person or body. The SAHRC held an inquiry, from 20 February to 18 May 2018, to gather information and evidence of the challenges faced by UNISA.
- e. The SAHRC's inquiry provided a platform for UNISA employees to make submissions with the aim of finding amicable, sustainable and meaningful solutions to UNISA's challenges. During the inquiry, the SAHRC received oral and written submissions, which demonstrated that there were systemic, institutional challenges at UNISA that could not be solved through a single form of intervention. On 12 November 2018, the SAHRC released the outcomes of the investigation into allegations of racial tension, unfair discrimination and harassment at UNISA. To ensure proper implementation of the recommendations, the Commission and UNISA entered into a Memorandum of Agreement which sought to outline key activities and timelines in order to implement the recommendations which were aimed at mending relations, strengthening internal dispute resolution mechanisms and building social cohesion amongst its employees.<sup>1</sup>

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<sup>1</sup> <https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/1697-joint-media-statement-unisa-and-sahrc-to-sign-memorandum-of-agreement>

- f. Allegations of Council's improper and irregular interference in the operations also emerged around 2016. It was also alleged that some of the external members are unemployed therefore attempting to extort money out of the institution through council meetings. The Annual Reports also revealed excessive number of meetings. Indeed, the question of what is the right number of meetings is not a clear-cut matter, however a large number of meetings may signal problems at an institution.
- g. In July 2019, the University released transformation criteria approved by the Council for promotion of academic employees which became a centre of controversy. All institutions are expected to come up with initiatives to advance black and women academics, as part of the transformation agenda, but this must be done in a manner that maintains quality and high standards. This decision was criticised by many within the higher education sector, viewing it as irresponsible. The University was seen to have taken the easier route of dropping the standards thus enabling weak academics to be promoted in the name of transformation. The criteria were widely considered to weaken the expectations of different levels of academic staff and to open up promotion opportunities to people who have not obtained the required levels or types of experience necessary for success in those positions. It was deemed as presenting a risk on the academic enterprise of the University.
- h. UNISA is South Africa's largest comprehensive university, with a particular focus on distance education. Concerns around what was deemed "mission drift" by UNISA also emerged. It was noted with concern by the Ministry that UNISA's student population has been changing from what it traditionally used to be, the older, experienced and working students. Over a period of time, UNISA has gradually become a centre of attraction for great number of younger students mostly unemployed students who would attend contact universities if the spaces were available. There is also pressure from the growing cohort of younger students for the University to provide different levels of support that would be provided to students in contact universities. There has also been demands that the UNISA National Student Financial Aid Scheme (NSFAS) qualifying students should be afforded full cost of study support and be provided with the same allowances that are being provided to students in contact universities. The funding model for UNISA is based on the fact that it is an Open and Distance Learning (ODL) Institution. Changes to this model would have enormous financial implications and would require significant policy changes and substantive changes to the funding models in the current public higher education system.
- i. This led to the Minister appointing a Task Team (MTT) in June 2020 to conduct an independent review of UNISA, focusing on the strategic mandate and purpose of the University within the South African context. The MTT was to examine all contextual and institutional factors that impact upon the current challenges facing the University, advise on the mandate of the



institution and its scope of work as a distance education provider, and make recommendations on measures required to ensure that UNISA is strategically positioned as an institution with a clear mandate and mission, supported by the necessary structures and capacity for a sustainable future<sup>2</sup>. The MTT submitted its report to the Minister dated 30 August 2021, however the report was leaked and circulated on various social media platforms before the Minister could process it formally.

- j. The MTT, following its analysis made the following conclusions:
- i. The mandate remains appropriate and relevant, as it is essential that the country has a flagship Open Distance e-Learning (ODeL) institution which can focus on excellence in eLearning, lifelong learning provision, and acting as a national resource for ODeL and the higher education (HE) system in SA.
  - ii. UNISA is perceived by some to be lacking a strategic focus and drifting beyond its 'distance education' mandate by, for example, admitting full-time, and often fresh from school students. There has indeed been a dramatic change in the profile of the student body at UNISA, and this impacts on its strategies for supporting those students but such a development has not translated to "mission drift" for UNISA in its role as a comprehensive university.
  - iii. UNISA has failed to make adequate provision for dramatic change in the profile of the student body. Enrolment targets were unrealistic and, in some cases, even irresponsible, considering the lack of the institution's capacity. It therefore admits more students than it can support, thus prioritizing access over success.
  - iv. Although UNISA's multiple strategies are, overall, valid, they do not match up to the demands of the current environment nor, indeed are they as ambitious as they could be. UNISA should be a national centre of excellence in ODeL. It could and should be a major presence in the Open Education Resources movement, nationally and internationally. It is neither.
  - v. There are complex matrix of global, national and internal dynamics that impact on the mission, strategy, and operations of UNISA as well its possible future. While the consequences of these global and national drivers affect all higher education institutions, they do so disproportionately in respect of UNISA. Given the impact of these drivers, the MTT is of the view that every aspect of higher education in South Africa needs to be revisited and higher education policies be re-examined. As such, a National Commission on Higher Education is recommended to address them.

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<sup>2</sup> The Terms of Reference of the Ministerial Task Team into the University of South Africa

- vi. UNISA plays a significant role in Teacher Education, as this accounts for over 20% of all UNISA enrolments. Its College of Education is the largest Teacher Education institution in Africa, providing training to over 50% of all qualified teachers in South Africa. Despite this, there is no discernible strategic priority given to Teacher Education, and the MTT recommends that the Minister should urge UNISA to position itself as a National Centre of Excellence for Teacher Education.
- k. From the governance point of view, the MTT Report concludes that the Council is the root cause of the problems at the University and recommended its dissolution, based on a number of observations:
  - i. The Council has dismally failed UNISA, as it has not equipped itself, or the Management Committee (ManCom, which consists of the members of the Executive Management), with the range of skills and competencies necessary to provide the appropriate strategic guidance and direction to a modern ODeL institution in the 21<sup>st</sup> Century. The current strategy approved by Council does not encompass all aspects of a modern ODeL institution and fails to build on the strengths and address the weaknesses of the institution such as the dysfunctional and outdated information and communications technology (ICT) infrastructure.
  - ii. The Council has not demonstrated the knowledge, skill, and experience to guide and direct the production of a comprehensive strategic plan for a modern ODeL institution in the 21<sup>st</sup> century.
  - iii. The Council has failed to ensure that the serious and strategic risks identified in the Risk Register (2013 – 2015) have been given the attention they deserve.
  - iv. UNISA's ICT infrastructure is outdated and has increasingly become less fit for purpose over the years. ICT management has deliberately frustrated the implementation of its strategic priorities. This is clearly a fundamental dereliction of duty on the part of Council for failing to deliver on its basic fiduciary responsibilities with respect to the infrastructures necessary for education delivery, a function vital to the sound functioning of a university; thus failing to safeguard the health of the academic enterprise. This situation has persisted over several years and is unlikely to change without some drastic intervention. Furthermore, the failure to ensure a robust, modern, and secure ICT infrastructure has damaged UNISA's academic standing and administrative competence as a reputable HE institution.
  - v. The Council has failed to ensure the basic assurance services and functions necessary to secure effectiveness of governance, risk management and control processes. This places the institution at significant risk. There is scant understanding of the vital importance of Compliance throughout the institution and the far-reaching consequences of its neglect.

The need for further urgent investigation by a body with forensic expertise is strongly recommended.

- vi. There has been a deliberate and systematic plan, over a sustained period, to establish a corrupt network which has resulted in institutional capture. Council has deliberately undermined and incapacitated ManCom with a view to achieve institutional capture and personal enrichment. In addition, there is a culture of impunity deeply embedded in the institution.
  - vii. Based on the evidence presented to the MTT, UNISA suffers chronic management failures in many of the key support systems. The performances of departments such as Supply Chain Management, Human Resource Management, Compliance functions and Finance are seriously compromised and fail the university, putting the entire institution in jeopardy. A simultaneous failure of multiple management systems points to deficiencies at leadership level, as well as a gross neglect of consequence management.
- I. The Council responded to the MTT Report in a 178 paged response which was accompanied by 57 attachments submitted to the Minister in April 2022. Below are the salient points of the response:
- i. The Report does not specify the periods and specific dates when the conduct it criticises occurred; the particulars of implicated members of Council and Management; and the particulars of the conduct that it criticises which formed the basis of the adverse Conclusions.
  - ii. The Council supported a number of conclusions and/or observations, namely UNISA being disproportionately affected by global and national drivers that are common to all higher education institution; the impact of the competition in the provision of part-time and/or distance education on UNISA's mandate, strategic positioning, and reputation; the call for the national commission on higher education; the efficacy and sustainability of the University's current business model and strategic positioning; and that the dramatic change in the profile of the student body does not translate to "mission drift" for UNISA in its role as a comprehensive university. The Council agreed with the MTT that the Florida Campus should not be a new stand-alone Science and Technology institution.
  - iii. The Council countered several conclusions and/or observations relating to the enrolment management, the strategy, and the alleged failures of the Council in its responsibilities. The MTT stated that "Enrolment targets were unrealistic and, in some cases, even irresponsible, considering the lack of the institution's capacity". Although the Council admitted that the targets were not managed to the requisite levels, as there were greater needs than space

available, specifically in 2018 and 2020; but argued that UNISA needs to be funded appropriately per FTE or be allowed to carry much less than it currently does.

- iv. Regarding the weaknesses of the strategy highlighted by the MTT, the Council argued that the MTT relied on an outdated strategic plan which resulted in the MTT overlooking critical developments that would have given it a different picture of the situation and very likely resulted in a different conclusion. Following Council approval in 2019, a review of the strategy was carried out in 2020, involving an independent review by Deloitte. This process led to the revision of the UNISA 2030 Strategy and the development of the 2021 – 2025 Strategic Plan, which were duly approved by the Council in 2020. The Council argued that many of the challenges highlighted in the MTT report, including those relating to the implementation of the ICT strategies in the 4IR environment and beyond, were addressed in the revised Strategy. The implementation of the new strategic plan as well as processes to review the delegations of authority framework to ensure that Management is adequately empowered to implement strategic objectives were reported to be underway.
- v. Much was said about by the MTT on the ICT infrastructure of the University. The Council admitted that prior to 2019, the UNISA ICT environment was characterized by aging legacy systems that were no longer fit for purpose or were falling short of addressing the evolving needs of the students and the academic staff. Besides the legacy systems, the ICT infrastructure upon which these systems are hosted was very unstable as most of the infrastructure components had either reached end of life and/or were not supported by the original equipment manufacturers. The Council indicated it had adopted a multi-component ODeL ICT strategy which encompass a number of flagship projects underpinned by the Infrastructure as a Service (IaaS) project, which is meant to replace legacy ICT infrastructure upon which other business applications are hosted. In several instances, the Council blamed the management for failures in this area.
- vi. The Council also rebutted the assertions of the MTT that it has failed to *inter alia* to ensure that the basic assurance services and functions necessary to secure effectiveness of governance, risk management and control processes are in place; to engender an enabling and ethical culture befitting a knowledge institution; and to distinguish between its roles and responsibilities from those of ManCom; to ensure that the serious and strategic risks identified in the Risk Register (2013 – 2015) are given the attention they deserve; and to safeguard the health of the academic enterprise, which is the heart of the institution.
- vii. Regarding its failure to equip itself with the range of skills and competencies necessary to provide the appropriate strategic guidance and direction to UNISA the Council argued that it is only responsible for appointing the ten (10) members with a broad spectrum of

- competencies and that the balance of the members of Council are appointed directly by various constituencies prescribed by both the Higher Education Act and the Institutional Statute. The Council therefore argued that it has no control over the appointments made by various other constituencies.
- viii. The Council also argued that the MTT statement of failures of the compliance function are misplaced, although it recognizes that there is need to strengthen the compliance function considering its mandate in the Compliance Policy versus the size and the complexity of the University. On allegations of “capture”, the Council argued that the Report does not directly indicate specific cases of such occurrences and instead presented broad and general findings and is equally vague in several respects.
- m. During the course of the work of the MTT, the University was in the process of appointing a new VC, and the appointment process was also a subject of much controversy arising from allegations of irregularities. At the time, the Minister had actually requested the Council “not to rush” the process of appointing a new VC but to allow the MTT to conclude the review.
- n. The escalating issue of over-enrolments by UNISA also came to a head when the Minister issued a directive to the Council in December 2020. The over-enrolments were seen to be having a significant impact on the sustainability of NSFAS and the higher education sector as a whole. In 2018, UNISA was warned to adhere to its enrolment planning targets of first-time entering students or face a penalty. It failed to comply with the Minister’s calls and was penalised in the 2020/21 financial year for this over-enrolment. Preliminary data presented a 35% over-enrolment in 2020, translating to more than 20 000 students. The first directive instructed UNISA to “reduce its 2021 first time entering students by 20 000 in 2021 to accommodate the over-enrolment in 2020, and the impact this will have on the NSFAS over the next few years until those students complete their qualifications”. Furthermore, the Minister also pointed out that UNISA’s intention to begin the academic year for first-time students early in January was “totally out of sync”, given the backdrop of Covid-19 disruptions and therefore, directed UNISA to reschedule the opening of 2021 classes.
- o. The University complied with the directive resulting in the acceptance of 37 857 students in 2021, instead of its planned first-time student intake of 57 857. In its statement, UNISA noted that the resolution to comply with the directive is to ensure financial sustainability of the University and the sector, and to enable the University to effectively support the students. However, the University was taken to Court and the Court ruled against UNISA’s resolution to comply with the Ministerial directive by reducing the first-time student intake for 2021 by 20 000, declaring it to be unlawful and invalid.

- p. On 1 January 2021, Professor Puleng LenkaBula assumed her duties as the first ever black female VC of the University. The appointment was celebrated by many quarters in society. At her inauguration in September 2021, the then Deputy Chair of Council stated that “*she was entrusted with the position due to her credible history. He added that to achieve the future that the institution envisages, UNISA requires men and women of courage to take the institution forward. {And} Professor LenkaBula is that woman,*”<sup>3</sup>.
- q. Around April 2021, reports emerged in the media on a matter relating to the suspension of the then Head of Legal Services, who was later dismissed in August 2021. He launched his application to the High Court in April 2021 to challenge his suspension, but he reportedly decided to remove the matter from the roll on the eve of the Court hearing date. Following his dismissal, he challenged the decision in the High Court, but his application was dismissed with costs.
- r. He had levelled allegations against the Council and its members in relation to the appointment process of the VC which he deemed “unlawful, fraudulent, flawed and manipulated”. He further alleged an active and persisting recruitment system based on patronage at the level of Council, which has resulted in many irregular appointments of the so-called Black Forum members and union officials in key positions. He took it further to state that “the Black Forum and trade unions have been allowed to dictate terms and decide who must be employed or remain in employment”. He claimed that corruption at UNISA is endemic and involves some members of Council. He alleged that the Council had for a period of time been involved in material irregularities and/or unlawful conduct as a consequence of a deliberate advancement of self-interest, as well as involvement of council members in procurement processes. Specific allegations were made against the former Chair of Council, of gross misconduct in the process of the procurement of a building in Mbombela; and abuse of power in relation to Professor Muxe Nkondo, a Council member who was allegedly unduly removed from the Selection Committee for objecting to the shortlisting of underqualified candidates for the VC position.<sup>4</sup> In turn, he was accused of bullying, harassment, misogyny, victimisation, intimidation, insolence, amongst others.
- s. The Minister requested the Council to respond to these allegations. In its response<sup>5</sup> to the Minister, the Council dismissed the allegations of irregularities in the recruitment process of the VC, and viewed him to be disingenuous as he had earlier provided a legal opinion to Council

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<sup>3</sup> <https://www.unisa.ac.za/sites/corporate/default/News-&-Media/Articles/Humble-LenkaBula-hailed-as-a-talented-and-outstanding-woman-and-courageous-mom>

<sup>4</sup> Letter of August 2021 from Advocate Modidima Manny to Minister Nzimande

<sup>5</sup> Council’s response to the Minister dated 20 September 2021

asserting that “*the process [has] had been conducted in a proper, fair and transparent manner and therefore there [is] was no basis for an irregularity, the Selection Committee [is] was properly constituted to carry out the Selection process; and that the fact that members of the Selection Committee or Council may hold different views [does] did not on its own constitute an irregularity*”. The legal opinion was provided at the request of the former Chair when the Council became aware of “some aspersions that had been cast regarding the process”. The report further argues that the process followed the prescripts of the Institutional Statute; and that the process was supported by both Senate and the Institutional Forum.

- t. On the alleged purge against Professor Nkondo after exposing recruitment irregularities, the Chair confirmed that he was, at some stage, a member of the selection committee for the VC position, in his capacity as the Chairperson of the Academic and Student Affairs Committee of Council (ASACoC), in line with the Council resolution that all Council Committee Chairpersons would be members of the selection committee. The report confirmed that at the selection committee meeting of 24 April 2020, Professor Nkondo and another member of the Committee objected to the method of selection. In August 2020, the Nominations and Governance Committee of Council (NGCoC) (which is chaired by the Chair of Council) in line with its mandate to annually review the membership of Council to achieve a balance of experience and continuity of higher education and university specific knowledge and to recommend the composition of committees to Council, recommended the appointment of the new Chair and Deputy Chair of the ASACoC. It also recommended that the office-bearers remain as ordinary members of the committee.
- u. Council at its meeting in September 2020 resolved to proceed with the process; and to accept the recommendations of the NGCoC as far as the review of its ASACoC membership is concerned. While the Chair denied the allegation of purge, and motive being very difficult to prove, the chronology of the events and the sudden decision to review his chairpersonship may give rise to perceptions that he was indeed purged. He had been a member of the Selection Committee based on his position as the ASACoC Chairperson, hence, that would be the only way to terminate his membership on the Selection Committee. If his term as the Chairperson had expired and if it was indeed about ensuring appropriate skills in the Committee, why retain him as a member? Prof Nkondo has worked in academia and was a Vice Chancellor and Principal at another university according to his curriculum vitae.
- v. In June 2021, a group of academics, mainly female from various public universities wrote a statement in support of Professor LenkaBula hitting back at Adv Manny, deeming his conduct to be bullying and misogynistic and undermining of Professor LenkaBula as the VC of UNISA. They raised a concern over the manner in which her leadership and authority were publicly

questioned and undermined, which “devitalised her from dealing with the inherited institutional challenges”. They viewed the controversy surrounding her appointment as unnecessary and detracting her from the real transformation agenda of the University.

- w. 2022 was a turbulent year for the University, with a protracted protest by National Health, Education and Allied Workers Union (NEHAWU) in response to the increasing of salaries of academics during 2021, something that was viewed as a “divisive management strategy”. The protesting members of NEHAWU reportedly disrupted the graduation ceremony of 25 March 2022. Again, there were reported disruptions of the graduation ceremonies of 19 April 2022, where the protesting members invaded the graduation hall with the intention to disrupt the proceedings of the morning session. According to the University Statement<sup>6</sup>, there were some rather disturbing scenes which caused considerable panic and discomfort to the congregation. Furthermore, the evening session also had to be postponed as the same protesters had blocked the entrance into the Muckleneuck Campus and thus rendered access to the campus difficult for the graduating students and guests. They also rendered the environment very hostile and unsafe for the guests.
- x. Five NEHAWU Shop Stewards were placed under precautionary suspension in April 2022 for organising what was deemed as an illegal and unprotected strike, causing the disruption of the graduation ceremonies, incitement of public violence and malicious damage to property. These employees were later dismissed by the University on 6 May 2022.
- y. NEHAWU continued with its protest calling for the suspension of the VC and the dissolution of the Council amid allegations around the procurement of the official university vehicle for the VC, the procurement processes for the refurbishment of the VC official residence, the unilateral implementation of the salary adjustment by the VC; the alleged failure of the Council to hold the VC accountable; the unfair dismissal of the five Shop Stewards. The protests were violent and on 16 May 2022, there were reports of the protesters setting a guardhouse on fire and barricaded the driveway of the VC’s official residence with burning tyres.
- z. The University in its statement<sup>7</sup> viewed the allegations to be “unfounded and spurious, and not based on facts and reality but innuendo and slander”. However, other allegations emerged regarding the irregular procurement of laptops, allegation of irregular appointments of staff in the office of the VC without following the policies of the University and the VC “instructing” the

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<sup>6</sup> <https://www.unisa.ac.za/sites/myunisa/default/Announcements/Disruption-experienced-during-Unisa-graduations-and-other-operations>

<sup>7</sup> Unisa response to allegations made by NEHAWU, 26 April 2022;

<https://www.unisa.ac.za/sites/myunisa/default/Announcements/Unisa-response-to-allegations-made-by-NEHAWU>



Human Resource (HR) Department to pay an amount equivalent to R3 million to staff within her office, without following due process.

- aa. Amidst the tensions at the University, the mounting allegations, and the regular negative media reports, the Minister met with the Council on 28 June 2022 to discuss the MTT Report and the situation that was playing itself out at the University. Following the meeting, the Minister communicated his decision to appoint an Independent Assessor to the University Council on 28 July 2022. The University published a statement on 14 August 2022 welcoming the decision by the Minister to appoint an Independent Assessor.
- bb. It must be highlighted that from the time of the suspension of Adv Manny until the time of the appointment of the Independent Assessor, the University had been the subject of numerous media reports. Almost on a weekly basis, there was a negative media article on UNISA, and often it would be information that would be regarded as confidential but having been leaked.

### 1.3 Terms of Reference

- a. By Notice in the Government Gazette (No. 46904, Notice No. 2480 of 13 September 2022), the Minister of Higher Education, Science and Innovation, Dr BE Nzimande (the Minister) announced my appointment as the Independent Assessor to conduct an investigation into the affairs of UNISA. 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.
- b. As per the terms of reference contained in the Notice, the Independent Assessor was to conduct an investigation that will cover the following:
  - i. the functioning and efficacy of the University's governance and management structures.
  - ii. the operations of the Office of the Registrar in relation to the management of academic affairs, registration and certification matters and any other matters that the Independent Assessor believes warrant investigation.
  - iii. the state of policies and procedures of the University pertaining to financial management, supply chain management, and procurement; and allegations of financial irregularities.
  - iv. the state of human resource policies and practices of the University, particularly in relation to enhancing organisational efficiency and employment relations at the University.
  - v. conduct a detailed analysis and report on the circumstances and reasons for the significant number of staff suspensions, disciplinary cases, and dismissals at the University since 2018.
  - vi. the allegations of misconduct and mismanagement against the VC.

- vii. any other 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.
- c. In terms of the Notice, the Independent Assessor was required to report to the Minister within 90 days from the date of the publication of the Notice. The Minister in accordance with the provisions of Section 47 (1A) of the Higher Education Act, 101 of 1997, as amended, extended the appointment for a period not exceeding 90 days from 13 December 2022. The extension of appointment was published in Government Gazette No 47738, Notice No 2869 of 14 December 2022.

## 2. Methodology

- a. The official date of commencement of the work of the assessment was the date of the Notice of the appointment in the Government Gazette, 13 September 2022. Between 14 and 23 September, I set about the preparatory work. This involved a briefing meeting with the officials of the Department to discuss the circumstances leading to the Assessor's appointment, the terms of reference, the legal framework and support. Officials to assist the assessment were assigned, files and relevant documents that had been sent to the Minister over a long period of time were made available to me (**Appendix A**). Engagements with the secretariat were undertaken to establish effective work modalities, based on a clear understanding of expectations and roles, and on trust.
- b. On 19 September 2022, I wrote to the University Council, being the principal governing body, to formally introduce myself; to outline the expectations on the part of the University in order to accomplish the assessment. This was followed by a similar Communique to the entire University Community, which also invited them to make submissions to an email address that was created for this purpose.
- c. During the week of 26- 30 September 2022, introductory meetings were held with all statutory structures to explain how the process would work, especially given the time constraints I had to complete the task. One of the days was met with a message that suggested a "threat" to disrupt the proceedings from a faction of the Black Forum (BF) and the Women's Forum if they were not going to be addressed like other structures. Although this was a premature act on their part, I met with them and shared how the process was going to unfold. As the process evolved, it became clearer that the culture of intimidation and fear was quite prevalent at UNISA, and they probably believed the 'threat' would work. The Schedule of Introductory Meetings is attached at **Appendix B**.

- d. Face-to-face interviews were initiated on 3 October 2022. I was required to complete the work within 90 days of the appointment, by 13 December 2022. By mid-November 2022, it became apparent that an extension would be necessary. Through a letter dated 22 November 2022 to the Minister, an extension was requested. The Minister in accordance with the provisions of Section 47 (1A) of the Act, extended the appointment for a period not exceeding 90 days from 13 December 2022, and this was announced by Notice No 2869 in the Government Gazette No 47738 of 14 December 2022.
- e. Between 3 October 2022 and 08 February 2023, approximately 230 interviews were held (out of 243 scheduled) over 61 days with students, staff, statutory structures, other staff formations, trade unions, external auditors, and other UNISA stakeholders. These interviews included staff members who were no longer in the employ of UNISA but had the knowledge of the institution that assisted the assessment as well as some expelled and suspended employees and students. Some members of Council whose terms expired were also interviewed. (Schedule of the summary of the Interviews is attached at **Appendix C**).
- f. Apart from myself, the assessment work was carried out by a Team of Specialists appointed in accordance with section 48 of the Act and the Secretariat. The Secretariat provided secretarial support in respect of correspondence, document management, information technology support, logistical support, and all the necessary support functions relating to the planning and securing of interviewees.
- g. The work of the Assessor was underpinned by principles of independence, impartiality, objectivity, confidentiality, integrity, professionalism and consistency in relation to analysing each piece of information the Assessor received irrespective of the source.
- h. The scope of the Independent Assessment was quite elaborate with elements of complexity on how to adequately cover the identified areas for investigation and assessment. A point of departure was the reading of all the documents provided by the Department as referenced above.
- i. Approximately 115 submissions ranging from a single document to folders with many documents were received from students, staff and other stakeholders of the University. It is important to mention that a number of internal stakeholders preferred to send submissions from their private email addresses because they were not comfortable with the UNISA email system which was described as unsafe.
- j. The Independent Assessment team was able to access and analyse many institutional documents such as meeting agendas, minutes, reports, investigations, financial records, policies, constitutions for staff and students' substantive structures, etc.

- k. The team also conducted a site visit to Cloghereen, the official residence of the VC for an inspection-in loco.
- l. In line with its nature and mandate, an independent assessment is not forensic, but rather exploratory. It is not required to establish guilt in the way courts do and as such the criminal law standard of proof of “beyond reasonable doubt” does not apply. The method of “reasonable grounds to believe”, and “balance of probabilities”, was adopted in making a finding of fact.
- m. It was not possible to get to the truth of various matters or to come up ultimately with a factual account of developments. It soon became clear that the University community was polarized and just about every account given was partial to some degree – perspectives differed widely depending on context and situation of the interviewee. Assessing the information gathered with regard to its validity and truthfulness, as well as the reliability of sources, was particularly important, highlighting the need for adequate corroboration; and for me to be discerning, perceptive and analytical.

### **3. Access and Co-operation**

- a. The University Council and Management in general cooperated fully with the Independent Assessor. I was granted unrestricted access to the University, persons, locations and documentation necessary to carry out the investigation.
- b. Upon entry to the institution by the independent assessor, it is common cause that a liaison will be required for logistical support. In my letter to the Council of 19 September 2022, I requested amongst other things that the University makes available a dedicated official from the University who will serve as the primary contact person during the investigation and provide the details thereof. The Council responded on 23 September 2022, and the next day, I received an Open Letter authored by Adv Mbhazima Maluleke who identified himself as the UNISA former Senior Legal Advisor: Litigations, copying the Minister and the University Registrar, Professor Mothata, which I found odd. The Open Letter alleged that the assigned individuals were hand-picked by the VC, and it was a deliberate intention to interfere with the assessment, both of the assigned individuals being staff in the Office of the VC.
- c. I decided to request Adv Maluleke, Professor LenkaBula and Professor Mothata to individually appear before me regarding the contents of the Open Letter. Being a former Staff member, it was not clear how Adv Maluleke had access to the correspondence between myself and the University. When asked, he did not disclose who furnished him with a confidential correspondence between the University and the Independent Assessor. The VC expressed shock at this and confirmed that the support for the Assessor was a subject of discussion at a

ManCom meeting of 23 September 2022. The Minutes of such a meeting confirmed that ManCom resolved that both the VC and the Registrar will oversee all operational and management issues; and that Dr O Mabusela, the Acting Legal Officer in the Office of the VC will serve as the main point of communication and interaction between the Independent Assessor team and the University. The Registrar denied any links between him and the author of the Open Letter. This was indicative of the porosity of confidential information at UNISA.

- d. It must be mentioned that many people expressed fear of victimization or reprisal or other risks. Interviews were mainly held on the University premises, but there were instances where some were conducted outside the University. I did make a request to the Council and the Executive Management that no one should be subjected to victimisation for their participation in the assessment proceedings. For that reason, it was important to give interviewees that assurance that information will be treated with the strictest confidence, and that their identity would not be compromised.
- e. Interviews went exceptionally well with all interviewees, except two staff members whose conduct was unprofessional almost displaying their 'untouchable status' within the University, and a larger-than-the-university type of attitude. One of them, a relatively young staff member gave me lessons about Apartheid in this country and at institutions of higher learning. Many students and staff members complained about these two individuals, and it was therefore not surprising when I observed their arrogance and belligerence towards the Assessor team.
- f. Whereas I interviewed all members of the National Student Representative Council (NSRC), the newly 'deployed' President cancelled at short notice and copied the Registrar in the cancellation notice something that was puzzling since the Registrar of UNISA was not part of the Assessment team. Since I was informed that the President was recently 'deployed', in August or September 2022, I did not find it necessary to pursue her absence, despite all arrangements being made with her knowledge together with other student leaders about the commencement on individual interviews with NSRC members at an off-campus venue as requested by students.
- g. There were also other cases of persons who were invited and scheduled to appear before the Assessor, who did not attend without a prior apology. There was also a case involving a Regional SRC (RSRC) whose members did not attend despite reasonable arrangements being made for their travel to Pretoria. Of note were two Council members who also did not arrive for the interview that they had confirmed availability for, and later nonchalantly mentioning that they had mixed up the times in their diaries. This is indicative of members of Council who not only undermined the decision of Council to support the assessment process, but also my request for them to appear before me.

## 4. Observations from the Assessment

### 4.1 Governance

- a. Having read and internalized the terms of reference for the UNISA independent assessment, it was clear from the outset that there were serious institutional governance challenges that started a while back and are still continuing. For purposes of this assessment, governance was broken down in three parts, analysed separately, but with recommendations presented in such a way that a holistic view is formulated.
- b. The governance components are the governing Council, Senate and Academic Governance, and Student Governance. Each of these will be addressed in this section.
- c. The ToRs required that the 'functioning and efficacy of the University's governance and management structures' must be assessed. A point of departure was to analyse the curriculum vitae (CVs) of the Council and senior management members<sup>8</sup>, including some that have left Council to make sense of their suitability to have served in such an important structure of the university. Notable areas of training and expertise for external Council members are in Business (2), Finance (2), Information and Communications Technology (2 recent appointments), Health Management (1), Higher Education (1), Law (1), Marketing (1), Sociology (2) and Public Administration (1).
- d. The number of vacancies is a glaring governance shortcoming. A full complement of Council that has a diversity of experiences and expertise is essential for good governance. There were vacancies in internal members, the Pro Vice-Chancellor (PVC) position that is provided for in the Statute but has been discontinued as well as the two (2) permanent non-academic employees which were held by the union members who were dismissed from the University in May 2022. By the time the assessment started in September 2022, these vacancies still had not been filled. There were 5 vacancies of external members: two Ministerial appointees, President of Convocation, local government representative and the Representative of the UNISA Foundation Trust.
- e. Current Council members see themselves as a 'new Council' separate from the 'previous Council' whose Chairperson's term expired in December 2020. The reality is that some members are relatively new, but there are members who formed part of the Council that was chaired by the previous Chairperson. In any case, Council is only one Council regardless of the distinction drawn by some in Council. Only three external Council members started in 2021. See **Appendix D**.

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<sup>8</sup> This included Vice Principals, other Executive members, Executive/Acting Deans and Executive/acting Directors.

- f. In interviews with some members of Council, it was evident that the functioning and efficacy of Council is not optimal. Similarly, from interviews with students, they see Council as *“an absent parent”* in time of need. Some described *“Council as being on honeymoon”* not knowing what is actually happening to students at the institution. In replying to this assertion by the SRC, the Council Chair said that students at UNISA have been ‘spoiled’ for a long time by the ‘previous Council’<sup>9</sup>.
- g. A number of University community members were asked when the root cause of the governance challenges started. Many responses were received, and one, among many of the most concerning was, *“There was no planned succession [from the Council of Matthews Phosa], and the quality of the Council members who then came in you just cannot compare, it was chalk and cheese. What was worrying me was this issue of people who are hungry, who are consultants, and I suddenly had this experience which never happened before where people would come and say I’m running a consultancy business, I see you have connections, can’t you hook me up. We had hustlers and people with no university experience. A similar palace coup took place in the Convocation – a former student leader who had become an Academic and Professional Staff Association (APSA) member and had been suspended from another political association, took over the Convocation. He went to Council, became larger than life, and started bullying others, and there was the UNISA Foundation which had considerable money which he agitated should be used in the university. There was this preschool attached to UNISA, and before I knew it, he was also the chairperson of that structure – the mutation of hustlers who took over with little or no resistance was one of the defining moments”*.
- h. In the words of a current Council member interviewed, *“... the core business of the university, teaching, research, and innovation, is not receiving the kind of attention that it requires to address fundamental problems. Let me give an example. As is well known, there is a higher student failure rate than in other universities at UNISA. For some time now, I have been saying to my colleagues on Council that we need a comprehensive audit and understanding of the causes of these high failure rates. I am aware that there are within the university efforts in that department to do this, but because the crisis is so deep – it is almost organic and because the crisis has a history going back to even before 1994 – we need a highly professional, independent assessment of the nature and scope and impact of the high failure rate”*. The point made here has serious implications for the efficacy of both Council and Senate.
- i. A number of students echoed the paralysis of the University on numerous fronts such as a disastrous registration period, non-existent student services, a deeply politicized institution, a

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<sup>9</sup> This is simply to draw the distinction between the current and previous Chairperson of Council.

palpable division in management, and a non-caring Council. In respect of the functioning of Council, another said,

*“I think for a very long time the institution has been run, and was known to be run, by certain people, it was factional in nature. It is like the current leading organisation which is very factional – there are certain people who are known to be leading and have power in the institution. I have been at UNISA since 2014, so I can safely say that I know the institution.... Like I’m saying, the university was run by certain groups and individuals, including the unions and certain individuals on Council. It has been something that has been in the minds of many people that the VC used to be the face of the institution but not involved in the running of the institution, which made a lot of people uncomfortable”.*

- j. When asked about impressions on the efficacy and functioning of Council, and where to begin to fix the institution, a Council member said, *“To be honest, I think it might be necessary for Council to be dissolved. Look at the resolution on salary adjustments and see how many abstained, who kept quiet and did not say anything. There are those members who have good intentions, but to be honest I think there should be a consideration to reconstitute the Council... I think a reconstitution of Council is needed to appoint the right people with a moral compass that would hold the VC and Registrar to account. We have had various meetings to engage on the VC and Registrar’s relationship, and I said why should we be talking about these issues?”*
- k. Several accounts pointed to a Council that was not working in harmony as averred by a member who has a deeper understanding of the higher education sector, and whose observation from the first and second meetings was, *“For me those first meetings had a sense of deep mistrust. It was clear that there was a lot of back chat, but I was disturbed by the level of non-commitment to the academic project and the university”.* Having served for over two years in the University Council, and asked about the effectiveness and fitness of fellow members to hold office, the response was, *“Sometimes I worry about some of the things that happen on Council and that my fellow Councilors do”.*
- l. Testing whether Council was aware about the state of policies, for example, that there is a ‘Policy on Policies’ which says, *inter alia*, that policies must be reviewed annually, and that there are policies that have not been reviewed since 2005 – 2006 or so, some reviewed in 2018 and 2019, but that policies were largely outdated, and many delayed for an inordinately long time by the Legal Services Office, the response was a complete lack of knowledge about this from a Council member that has been serving since 2016. This may as well be true for other members who were appointed much later into Council. The perception is created that Council does not know that they are responsible to oversee and approve policies.



- m. Despite an account by a sizeable number of Council members who said that it is evident that lack of accountability and consequence management is pervasive at the institution, including in the upper echelons of management, a telling response was, “*It is tough and as far as I am concerned, we have competent Council members who are trying their best*”.
- n. Sections of this report will elaborate further on how Council engaged with finances, students, human resources (executive management), ICT and entities of the institution.

#### **4.1.1 The Institutional Statute**

- a. In terms of s27(1) of the Higher Education Act, the Council of a public higher education institution must govern the public higher education institution, subject to the Act and the institutional statute. The Act and the Statute are therefore two key instruments for the governance and management of higher education institutions in South Africa. The UNISA Statute published in Government Gazette No 28464 of 03 February 2006, has undergone two amendments, the first published in Gazette No. 31170 of 20 June 2008 and the last amendment was published in Gazette No. 36006 of 17 December 2012.
- b. I came to understand that the Statute was subjected to a review around 2015 but the process was abandoned at advanced stages. According to the information from the DHET, the University initiated a process to revise the Statute during the first quarter of 2015, principally to align it to the new structure of the University. The revised Statute was submitted to the DHET in July 2015 for the Minister’s approval. In line with their processes, the DHET subjected the Statute to a further review process in consultation with the University Management, and this was concluded around December 2015. All that was left to do was for the University to put final touches to the document and submit the final version to the Minister for approval.
- c. According to the former VC, the process of amending the Statute was underway and progressing well but the constitution of the new council and the retirement of the then Head of Legal Services led to the disruption of the process. The incumbent who was thereafter appointed as the Registrar failed to take the process forward. The Chair of Council who became a member around 2016 said he understood that the Council was awaiting the Minister’s feedback on the review. This raises concerns about the flow of information from the management to the council to enable quality decision-making.
- d. Owing to the “complex nature of UNISA” I came to know that one of the proposed amendments to the Statute was the establishment of two Registrars, namely the Registrar: Governance and the Registrar: Academic, Enrolments and Administration; something that the Department had opposed. Allegations were made at the time that the University proceeded to conduct its affairs

- in terms of the revised Statute that had not been approved. An Institutional Statute comes into effect or operation on the date mentioned in a Notice publishing it in the Government Gazette after the Minister has approved it.
- e. The Institutional Statute requires urgent attention as it is inconsistent with the developments in the sector. For instance, the composition of the council as stipulated in the Statute, is not in line with the provisions of the Act. I noted that section 27(4)(b) requires that the council of a public higher education institution must include “the vice-principal or vice-principals” but the Statute makes no provision for this. Instead, it provides for the PVC to be a member of the Council. I was informed by various Council members who are familiar with the developments on the Statute, including the former VC that the position of PVC was discontinued when the previous incumbent retired in October 2015. The University did not see the need for the position hence it was not filled since 2016. The Statute still makes provision for this position thereby creating confusion at the university.
  - f. I also noted some provisions which are not in line with good governance practice, for example, the provisions for the disqualification of members applies to external members only. This is an anomaly, as it should apply to all council members. This is a serious disregard of the principle that all members, regardless of how they are elected or appointed to the council, must meet the same expectations to fulfil their fiduciary responsibilities. Another example is the quorum which is set at 50% as compared to the norm of 50% plus one.
  - g. Furthermore, on the issue of the Registrar, in terms of the Act and the Statute, the Registrar is the Secretary to the Council. However, the Council created the position of Deputy Registrar: Governance, and the incumbent is the Secretary of Council. Prior to the creation of this position, the VP: Strategy and Advisory Services acted as Registrar: Governance in addition to the Registrar who dealt with student administration. This confirms the allegations that had been made that the University proceeded to implement the proposed amendments to the Statute without the Minister’s approval.

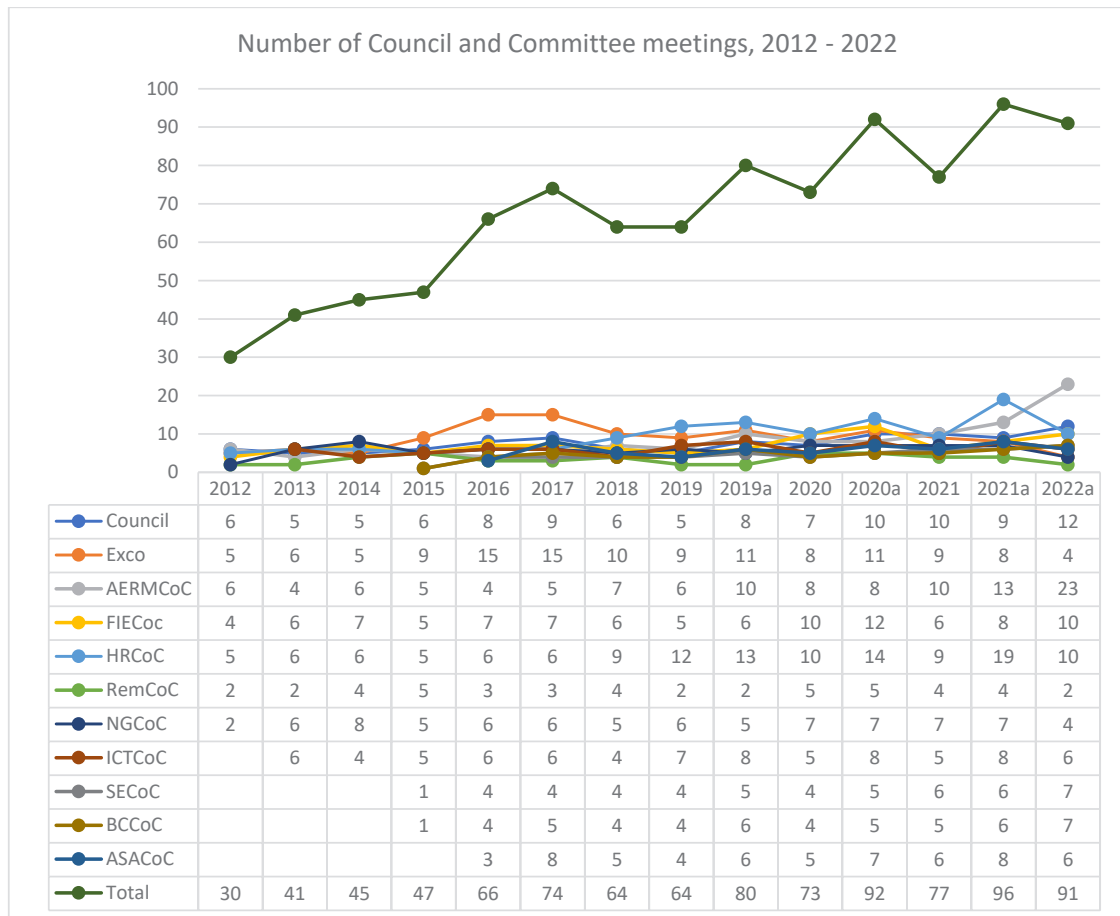
#### **4.1.2 Council and its Committees**

- a. Section 27 of the Higher Education Act establishes a Council of a public university a governance structure that should govern a university subject to the Act and the Institutional Statute. As the apex governance structure, whose members are entrusted with fiduciary responsibilities, the Council of UNISA is expected, at all material times, to conduct the business of the university with care, competence and integrity.

- b. Much of the business of Council is carried through its committees which are specified in the Institutional Statute. The University Council's committee structure at the time of the assessment is shown in **Appendix E**. The UNISA Council has ten standing committees, a number that is concerning given the respective mandates of the committees.
- c. The Statute as amended provides that in addition to the executive committee (EXCO), "Council appoints such other committees as may be required including but not limited to a finance, investment and estate committee (FIECoC), an audit and enterprise risk management committee (AERMCoC), a human resource committee (HRCoC), a remuneration committee (REMCoC), an information communication and technology committee (ICTCoC), the board of the GSBL nominated according to the charter of the School". The Statute stipulates six standing committees; and the Council has established four additional ones, namely the Nomination and Governance Committee (NGCoC), the Brand and Communication Committee (BCCoC), Social and Ethics Committee (SECoC) and the Academic and Student Affairs Committee of Council (ASACoC). The latter 3 were established in 2015 and 2016.
- d. In analysing the functioning and efficacy of Council, the number of committees is among a number of essential elements to consider. The ten (10) committees of Council should have distinct mandates, add value to decision-making and overseeing follow-up to, and implementation of, and be free from the duplication of work. In the Terms of Reference (ToR) for most committees, it was obvious that certain sections were simply cut-and-pasted in the different documents.
- e. In the case of UNISA, there are some committees of Council that either can be collapsed with existing committees, disestablished since they are not only confusing, but duplicate the work, or become management committees. The ASACoC, whose purpose is to advise Council on academic and student affairs matters is one such committee. What is most concerning is that this committee established in 2016 appear to be duplicating the functions that are ordinarily performed by Senate. The Academic matters are the core business of Senate. Student Affairs matters are the primary responsibility of the Student Services Council as the Higher Education Act determines in section 27(3). UNISA should consider disestablishing this committee.
- f. The reputation of a university or any other organisation is a critical component of its success. The purpose of the BCCoC is to advise Council on the review of branding and communication policies, particularly in the context of the transformation imperatives in higher education. The question becomes, should this not be a management committee as much of the work is done by Management. Would it not be more efficient for Council to provide oversight based on the reporting by management?
- g. The HRCoC and the REMCoC could become one committee by simply having a different section in the agenda and/or recusing management members that may be conflicted on certain items.

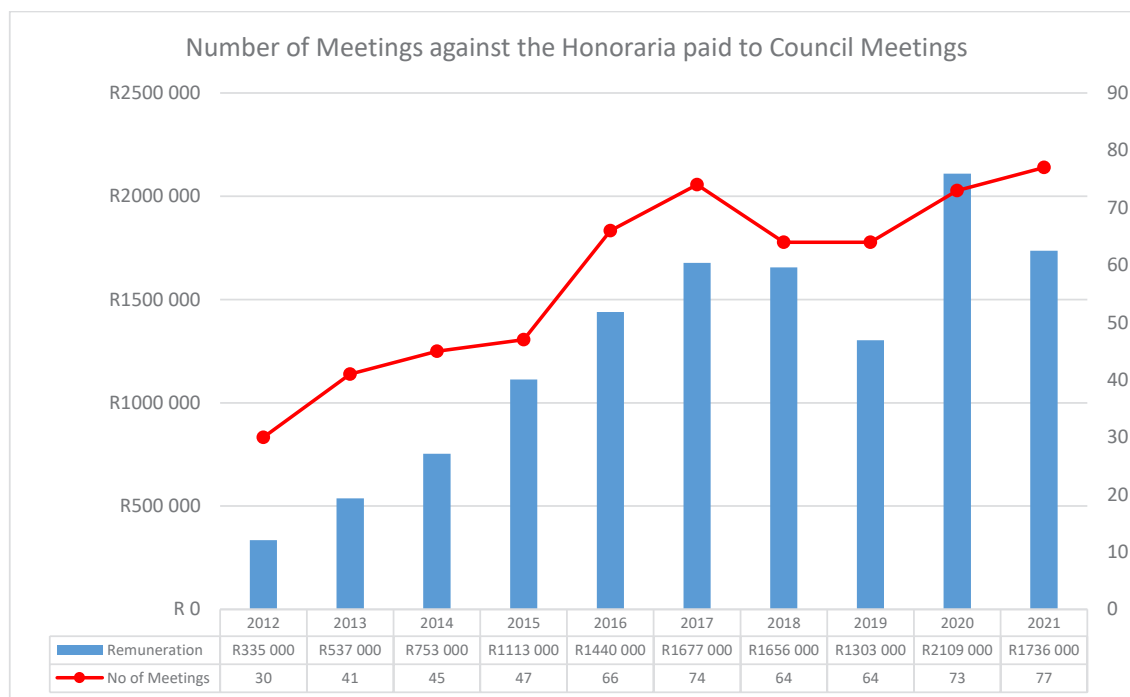
Council needs to think carefully about rationalizing its committees, free up the time for Council members and give management space to do other work than sitting in so many committees. Similarly, the functions of the NGCoC can also be carried out by the Council Exco.

- h. Clause 5 on the ToRs of committees of Council enunciates the 'Authority' of each committee. On observation is that this is one of those classical cut-and-paste examples. Some of the provisions has cost implications, e.g. 'seek outside or other independent professional advice at the expense of (sic) of the university whenever necessary to carry its work'; or largely unworkable and unwieldy, e.g. 'secure the attendance of any employee of the university or party external to the university as considered necessary for the execution of its responsibilities at the meeting of the committee' – the entire Clause 5 should be revised, especially in the light of the challenges that emanated from this with the Bowman's Report sought by the HRCoC (refer to section 4.4.5.4 in this report for details on the Bowman's Report).
- i. The SECoC is reported to be one of the committees where all matters that no other committee wants to do, is 'dumped'. Some of the matters referred to it become unresolved because they do not fall within its mandate. Secondly, matters move between various Committees of Council before being submitted to Council and hence taking inordinately long to resolve. The purpose of the SECoC is to advise Council on the university's ethos and culture; and monitor the University's adherence to and performance in areas of good corporate citizenship, corporate social ethics, health and occupational safety including environmental protection, institutional transformation and nationally agreed transformation goals, and student and employee ethics. Would the Institutional Forum (IF) not be better positioned if the Statute is suitably revised, to incorporate this as part of its mandate on the Code of Conduct and institutional culture functions? Ethics broadly, permeates through research and innovation at universities. A series of unethical practices and behaviours will be reported on further in the sections that follow, and it is difficult to discern how SECoC has been effective in eradicating those.
- j. I conducted an analysis of the number of Council and committee meetings as per the information in the Annual Reports (2012 – 2021). In February 2023, I requested the Office of the Registrar to furnish me with the number of council and committee meetings for the period 2019 -2022. There are huge discrepancies in the number of meetings between the information provided and the information recorded in the Annual Reports 2019 (16), 2020 (19) and 2021 (19). The 2022 audited figures were not available at the time of writing the Report, but the recorded number of meetings as per the information from the Office of the Registrar for 2022 was 85.
- k. At its meeting of 24 June 2022, the Council resolved to approve the establishment of a separate Risk Committee of Council, and that the terms of reference of the current AERMCoC be revised to remove the risk functions. This will lead to a total of 11 committees of Council.



- i. It should be noted that there are costs associated with the meetings of Council and its committees, e.g. honoraria, travel and other incidental costs. For that reason, the higher the number of meetings, the higher the expenditure. The reported expenditure for UNISA is amongst the three highest when compared with other universities. 2015 saw the expenditure exceeds the R1 million mark. There was a noticeable decrease in 2019 followed by an increase in the number of meetings and expenditure for 2020. According to the Office of the Registrar, “The probable reason for this increase is the switch to online meetings in 2020 during Covid-19. The ease of convening meetings online resulted in a proliferation of meetings because meetings could be called at short notice, and many times after normal working hours and on weekends. Logistical arrangements as well as catering requirements were no longer a factor to consider”. Again, the 2022 audited figures were not available at the time of writing this Report, but the recorded expenditure as per the information from the Office of the Registrar for 2022 was R2 223 815. This is excessive.
  
- m. Although some members mentioned that they do not earn as much money as in private boards, the total cost of having eighty or more meetings of Council can go a long way to use the money to support other institutional programmes, e.g. student support. There are isolated instances of

universities where no remuneration is paid to members of Council or committees for the attendance of Council and committee meetings, or Council members donate their honoraria into student bursaries or other forms of donations in exchange of a Section 18A certificate of the Income Tax Act.



- n. On 14 December 2021, the Council following a benchmarking study, approved the revised rate of remuneration of Council members for a four-year period from 2022 until 2025. The implication therefore is that the Council budget for honorariums will be adjusted in line with the revised rate for the payment of honorariums.

	2017 – 2021 Rates (Approved by Council on 14 Sep 2017)	2022 – 2025 Revised Rates (Approved by Council on 14 Dec 2021)
<b>Chair of Council</b>	R3 500	R6 232
<b>Deputy Chair of Council</b>	R2 800	R4 986
<b>Chair of a Council Committee</b>	R2 800	R4 986
<b>Deputy Chair of a Council Committee</b>	-	R4 550
<b>Member of Council / Committee</b>	R2 500	R4 363

- o. Comparing with the rates payable to council members of other universities in terms of the information in the latest Annual Reports, UNISA rates were not the highest; suggesting that the biggest cost driver could be the number of committees and meetings. However, the revised rates will place it amongst the top 3 in terms of the data below.

	Chair of Council	Deputy Chair	Committee Chair	Council or Committee Member
NWU	R6,929	R5,197	R5,197	R3,467
UP	R6,278		R6,278	R4,362
UKZN	R5,300	R4,700	R4,200	R3,700
CUT	R4,000	R3,500	R3,000	R2,500
UNIZULU	R3,500	-	R3,000	R2,500
CPUT	R2,000	-	R1,750	R1,500
NMU	R1,000	R850	R850	R750

- p. A serious point of reflection for UNISA is to ask itself if this is effective; whether this sub-committee arrangement should not be reviewed. A further consideration is the quality of these meetings. One of the problems highlighted is that members do not receive adequate, high-quality information, instead they are provided with information that is either too detailed or high-level to enable independent scrutiny. One of the long serving Council members whose term has recently expired said, “ ... *the information was not always complete, and sometimes they would hide things. I would read everything, we received a mountain of documents – in the old days we received the document pack physically and it was this mountain of paper, volumes and volumes of documents – but most of it was used to hide issues ...*”. It is a case of too much information being provided with little assurance as to its completeness or accuracy.

#### 4.1.3 Senate and Academic Governance

- a. Section 28 of the Higher Education Act establishes a Senate of a university and further states that it is accountable to Council for the academic and research functions and must perform such other functions as may be delegated or assigned to it by Council. As a structure responsible for academic governance, Senate executes its mandate through the Colleges, its committees as well as joint committee of council and senate, and other appropriate structures of the university. Senate sets standards for admissions into academic programmes; it is responsible for teaching, learning, assessments, research and innovation; it is responsible for quality assurance of academic programmes and a host of other functions ordinarily listed in the Statute of the university.
- b. Given the governance challenges that have suffocated UNISA, especially from on or about 2017, I interviewed members of Senate, Executive Deans and Deputy Deans of Colleges, students and members of the Extended Management Committee (EMC) of the University. Of the Executive Deans interviewed, only two were not in an Acting capacities. These were the College of Agriculture & Environmental Sciences (CAES) and the College of Science, Engineering & Technology (CSET). This is indicative of a university that has disturbing academic governance

challenges. The College of Graduate Studies has also not had a permanent appointment at the top even though the University claims to be focusing on its postgraduate studies and research. Such a high number of Acting appointments breeds instability in the functioning and efficacy of academic governance. A senator of high academic standing, when asked about this disappointing state of affairs at UNISA said, "I think academics would like senior positions to be less political, and more about serving the academic project".

- c. I received submissions that there have been serious integrity challenges around assessments, teaching, academic support to students, and concerns about the credibility of the qualifications from UNISA. Details of this disturbing state of affairs that appear to have been known for a long time, will be shared further elsewhere in this report. A positive account from students in CAES and CSET was given, clearly demonstrating that the rapport among students and the teaching staff were a flagship of academic performance at UNISA. The rest of the Colleges did not enjoy that accolade from students.
- d. Apart from the above threats to academic governance are a number of vacancies for academic positions across the Colleges. This situation has obtained for a number of years to a point where even students know that the ratio of academic to support / administrative staff is 30:70 in a university that has a series of academic performance issues that are well-known to the institution. Some Colleges have and are still experiencing a higher number of resignations as a result of what they describe as a toxic environment, burnout, unbearable workloads, a highly politicised university, negative publicity and so on. The Table below illustrates the point on a high number of academic vacancies:

College	Number of Filled positions	Number of vacant positions
CAS	181	45
CAES	169	55
CEMS	361	81
CE	242	98
CHS	564	156
CLAW	217	66
CSET	269	74
GSBL	63	45
<b>Total</b>	<b>2 066</b>	<b>620</b>

- e. A number of academics and students were seriously concerned about the disruption of graduations in early 2022. In the words of another academic, "*I am not a member of the union that led the strike, so I'm speaking from outside. I did not know what the grievances were, but because there was a lack of empathy for parents of graduates that came from our communities*"



*– we know what it takes for people to attend graduations (emotional and crying) – I’m sorry ... I’m a crier, don’t mind me. For some parents, it is their first child graduating. Even as a unionist is aggrieved, one should consider parents, we cannot start acting as though we do not know where our students come from. There was not care for UNISA and what we are trying to do. To steal that joy from most parents and students who battled to complete their degrees was cruel to me.”*

- f. It is inconceivable how the interests of ancillary groupings, in this case NEHAWU could be lifted at the expense of academia, thereby flying in the face of the stated values of the University: ethical and collective responsibility, integrity, innovation and excellence, responsive student-centredness, dignity in diversity, accountability.” Nonetheless, I discuss the issue around the disruption of graduations at a later section.
- g. A Dean leads the educational, research, scholarly and engagement activities of their college. I also received many complaints about Deans of Colleges who did not possess the “appropriate” qualifications. As indicated elsewhere, I requested CVs of all college Deans. The Acting College of Law Dean does not have a Law qualification but a PhD in Criminology, specializing in Security Management. The argument proffered to me when I put this question forward, was that the College of Law consists of the School of Law and the School of Criminal Justice; and the Dean for the college can come from either school. The explanations may be credible, however the perception it creates is not that of a university that takes academic leadership seriously.
- h. Likewise, both the Acting Dean and Deputy Dean of the College of Accounting Sciences (CAS) are not Chartered Accountants. Academic staff interviewed from the College, expressed their concerns about the lack of Chartered Accountants at the helm of the College. A recent review of the Accounting Programmes by SAICA (South African Institute of Chartered Accountants) in 2021 found that the academic leadership of the College is not effective. The College responded to this finding stating that “*the professional nature of Accounting Sciences has afforded a more discretionary application of academic requirements with a non-negotiable requirement for professional qualifications*”. The College further stated that “*it should be noted that **academic qualifications do not necessarily guarantee effective or good management** and within the current management structure, appointing practices have intentionally ensured a thought-through representation of academically prepared and professionally superior candidates to ensure that both the academic and professional requirements cannot be compromised*”. The argument put forth is that in some instances minimum academic requirements may be disregarded in certain situations. As a university, one would expect that UNISA rather emphasises the importance of academic qualifications as opposed to making depreciating statements in terms of the value of qualifications.

#### 4.1.4 Student Governance

##### 4.1.4.1 The Student Governance Model

- a. In terms of the policy framework of student governance, I noted the SRC Constitution and the Electoral Policy, both last approved in November 2017 as well as the Student Charter with a Council approval date of November 2007. I noted that these are outdated.
- b. The student governance structures at UNISA consist of a congress, student parliament and the Student Representative Council (SRC) organised in a two-tier system, namely national and regional. The national congress, national student parliament and SRC *have authority over student matters assigned to them by the University Council or other university authorities as set out in the Higher Education Act 101 of 1997, as amended, the UNISA Institutional Statute and university regulations and policies. The congress is said to be “the highest decision-making body of the SRC”*; the national student parliament is “the highest decision-making body when national congress is not in session”; and the national SRC serves as a “highest structure in matters of student governance when the national student parliament is not in session”. The regional structures are subordinate to the national structures; and have similar decision-making powers in respect of student governance matters at the region.<sup>10</sup> I found that the configuration of student governance at UNISA emulates the national political dynamics; and may not be the most effective model for the University whose primary mandate is education, not politics.
- c. I met with various members of both the National and Regional SRCs. I found during these interviews that some of the portfolios of the SRC office-bearers were either redundant or ceremonial. Sports and Cultural Officer is one of those, as many of those holding the portfolio complained that there is no budget allocation for sports and culture. The Regional Treasurers could not articulate what it is they do except to send travel requests to the Department of Student Development (DSD), some calling themselves “Ceremonial Treasurers”. Likewise, the Education and Training Officers also could not articulate their functions and the impact the portfolio brings to the ordinary students. Furthermore, I also found Postgraduate Officers who were not post-graduate students themselves. In my observations, the general structure of the SRC, is not fit for purpose; and these portfolios do not empower the SRCs to be impactful in their role.
- d. The constitution provides for members of the SRC to be “recalled by the student organisation which he/she represent subsequent to an organisation having provided the university with a declaration that a recall complies with its own internal procedures”. I observed from the interactions with the RSRCs that this provision appears to be abused at the detriment of the

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<sup>10</sup> section 2.2.1 of the SRC Constitution

- stability and efficacy of the SRCs. I met several SRC members who indicated that they had just been “deployed” by their student organisations to replace others who would have been removed before their term is completed. Almost in all the cases, there appeared to have been no transparency as to what led to the recall or processes followed to make the appointment. Most of them appeared to not have been inducted as they could not articulate the issues that face students or seem to care except to be receiving a stipend. On the deployment practice, one RSRC said “*It is complex. Starting with the issue of political structures and their deployment, it does to a certain degree cause instability in governance if people are replaced, like in any political office. It does create instability. Now, speaking in terms of an institution of higher learning, it can go both ways. We can agree that at a certain level the relevancy of political structures in the institution may not advance the academic project*”.
- e. On the two levels of the SRCs, I observed that there are fraught relations between the NSRC and the RSRCs. Many accusations were levelled against the NSRC. Several RSRC members said there is a lot of in-fighting within the NSRC and it is not fulfilling its role. Instead, the members are caught up in factional battles within the Management and they are there to satisfy their agendas. Another termed it “the Politics of the Stomach” with the insinuation of taking “brown envelopes”.
- f. One SRC member put it plainly: “*I have not received any money. I always ask why this money does not reach us, because we need it. We are divided. There is management, the people of the VC, and the people of the Registrar. UNISA has 9 centres nationwide, and we as comrades get together to speak about what is happening. Now, what would happen is that you cannot be neutral or honest about what is happening in terms of the mismanagement, corruption and favouritism. You must pick sides. Basically, it is also politically related. Mostly those on the VC’s side are EFF members in the majority, and the Registrar has the support of people from the ANC. We would be told that we received a certain amount of money and that we should favour one side. .... You also get others who are being influenced by one of these two factions, so you don’t get certain things as per the policy. If you don’t relate to the VC, your programmes will be frustrated by all means, to render you useless in the university*”.
- g. Another said “*its [the NSRC] proximity to Management is used to trample RSRCs*”. Besides the Covid-19 pandemic, the Management and the NSRC were accused of killing student activism in the regions. When asked how the relation is with the NSRC, many of them said “there is none”. The NSRC was also described as factionalised with no sense of unity and or trust, and in my interactions with them I picked up that they were divided along the lines of who they supported, either the VC or the Registrar. There was one or two that appeared not to be associated with any faction. Management was also accused of being party to this. One said “*the paranoia of*

*management causes the SRC to be drawn to them”, another said “management causes the SRC to have to take sides”. I also heard of a concept of an “exit plan” where members of the SRC must align with whoever in order to secure a future in the form of employment within the University after their term in office.*

- h. When asked, many recommended that a reconfiguration of the SRC is necessary to deal with the current problems, but many could not say how, given the complexity and the size of the University. However one SRC member said *“The last meeting we had was in June, where we discussed some constitutional amendments, proposing that the NSRC should be abolished because it is a way for management to dodge their responsibility. These people here have laptops, cell phones, offices and computers, but in the regions we do not have those resources. I said we should change the statute to disband the NSRC, and find ways to convene students nationally to address student needs. We want a structure which would address our students’ issues, and not a structure that would have biscuits and coffee with management and forget their mandate.”*
- i. The term of office as a member of the national student parliament, regional student parliament and the SRC is two years from inauguration consequent to the sitting of the national congress. The SRC at the time of the assessment took office in March 2021 and their term set to expire in March 2023. In terms of the SRC Constitution, the first meeting of the national student parliament must be held not more than three months after the date of the national congress to consider and approve the SRC program of action and budget and decide on committees required to assist the NSRC and its RSRCs. Should this period lapse without the speaker convening the first sitting of the national student parliament, members of the national student parliament may in writing request the Dean of Students (DoS) to instruct the speaker of the national student parliament to comply. Further, the Constitution stipulates that ordinary meetings of the national student parliament must take place every eight months.
- j. Many SRCs, both national and regional, bemoaned the fact that the parliament had not sat since the SRC took office. When asked, one official in the DSD said the Covid-19 lockdown restrictions and poor resource allocation were the main reasons why the Parliament had not sat as required by the SRC Constitution. I was told *“Student parliament is funded from the student development budget, and the division did not have enough budget to carry out its own mandate. To arrange a Student Parliament would cost as much as R 500 000, if not more. It should last 5 days, because you have to have the regions meeting, and then the NSRC. They must travel, they must sleep over, so it will cost serious money. They say we must find the money in the student development budget, but that budget has been chopped down.”*

- k. I was also told that there had not been a DoS for a prolonged period of time without any replacement arrangement to attend to students, circumstances of which are dealt with under section 4.3.2 of this Report. I got the impression that it suited management when certain constitutional obligations were not fulfilled, e.g., the student parliament. Moreover, the DoS at UNISA is at the level of a Director (P4), and students felt frustrated that the Dean does not have any decision-making powers. One student said the DoS at UNISA is "just a glorified, well paid SRC member" and a recommendation that came from the students was the creation of a VP for Student Affairs.
- l. Overall, the functioning and efficacy of student governance is not optimal; with no healthy working relationships between the NSRC and the RSRCs. UNISA has a population of just under 400 000 students, and the reality is that the many students at UNISA are not represented by a factionalised student leadership whose main objective is to advance their political agendas without due cognisance or regard for the rest of the student population, facing a myriad of service delivery issues.
- m. The SRC Constitution is outdated; and the student governance model of UNISA has not kept pace with the development of student needs, and the profile of UNISA students. Student governance at UNISA is highly politicised. It pained me to see student leaders envision themselves as politicians sitting in parliament. They referred to themselves as "deployees". I found that student leaders believed that politics is everything, even though I asked them about other disciplines like engineering, economics, science, education and others, they simply have an unshakable belief in politics. I believe that UNISA is failing its students by not training and developing student leaders to have a broader world view of leadership and the essence of why students go to university.
- n. In my discussions with these student leaders, I asked them many questions about how they understood their roles, why they came to UNISA, what was their academic progress, and how they reach out to the rest of the student body. I was deeply saddened to note how ill-prepared many of these students were; but many narrated their personal circumstances that led them to opt for UNISA. The majority of SRC members are registered in the College of Law, and some had been at the institution for periods that far exceed the time needed to attain a junior degree (2014), moving from one "deployment" to another.
- o. I find that the centralised model of UNISA is a serious disservice to students since all students are based in the regions. The infighting at UNISA has neglected the needs of the students. It has been proven that the centre is not holding and it is unlikely that it will hold in the foreseeable future. I find that student leaders are divided at UNISA. The division is more palpable in the National SRC, and the some Regional SRCs also appeared to be polarised on political grounds.

#### 4.1.4.2 *Student Services Council (SSC)*

- a. The White Paper 3 enjoined each institution to establish a Student Services Council (SSC) with a policy advisory role in student services. The council should be democratically constituted but chaired by a senior executive member of the institution.<sup>11</sup>
- b. Section 27(4) of the Act requires that “the council, after consultation with the students' representative council, must provide for and establish a suitable structure to advise on the policy for student support services within the public higher education institution”.
- c. UNISA does not have a Student Services Council (SSC) or a replacement structure to carry the functions in compliance with the Higher Education Act. I have read the letter of the VC where she instructed the Registrar to establish the SSC as part of her many issues raised with him. However, it seems that the SCC had not been established at UNISA, since the time that the current VC was appointed as the DoS. If it was, I am not aware of the reasons for its dissolution. The Registrar said he established the SSC before he left the institution and when he returned there was none. There was no evidence provided to me to support this statement.

#### 4.1.4.3 *Privileges and Benefits of the SRC*

- a. I also looked at the privileges and benefits structure for the UNISA SRC which I found to be excessive. Members of the NSRC receive the following:
  - i) a monthly allowance, the actual amount of which is determined by the DoS having consulted the President of the SRC and subsequently presented to the Management Committee for approval during each term of office. For the current SRC, the amount was **R4 148**.
  - ii) An once off cash amount as determined by the DoS having consulted with the SRC President and approved by the Management Committee for the first SRC term to enable seamless settlement at the leased apartments for the NSRC. The amount for the SRC in office was **R13 500**.
  - iii) accommodation in an apartment in Pretoria.
  - iv) an academic tuition rebate equivalent to half of the modules enrolled for.
  - v) SRC regalia comprising a blazer and shirt.
  - vi) A laptop (which is returnable when the term ends for whatever reason)
  - vii) A Cell phone (which is returnable when the term ends for whatever reason)
- b. In addition, students who by the time of their election to the NSRC are living in regions outside the Gauteng Province are provided with one (1) emergency travel per year between Pretoria and

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<sup>11</sup> Programme for the Transformation on Higher Education: Education White Paper 3, paragraph 3.40

their respective home regions and up to two (2) ordinary travels per year between Pretoria and their respective home regions. Members of the RSRC members only receive a monthly stipend, which at the time of the assessment was **R1 777.78**; an academic tuition rebate equivalent to a half the modules enrolled for; a blazer and a shirt as corporate uniform. Speaker and Deputy Speaker of National and Regional Student Parliament also receive a stipend which was set at **R2 993.45** and **R1777.78**, respectively at the time of the assessment. The office bearer of the Student Parliament at both national and regional level, are also granted an academic tuition rebate equivalent to a half the modules enrolled for, as well as a blazer.

- c. As per the information provided by the DSD, the expenditure relating to the benefits and privileges of the SRC are as follows:

	2018	2019	2020	2021	2022 <sup>a</sup>
<b>Stipends</b>					
<b>National SRC</b>	R416 745	R416 745	R416 745	R448 001	R336 001
<b>Regional SRC</b>	R1 190 700	R1 190 700	R1 190 700	R1 536 002	R1 152 001
<b>Student Parliament</b>	R357 210	R357 210	R357 210	R384 000	R288 000
<b>Accommodation</b>	R438 250	R474 831	R496 614	R215 061	R335 378
<b>Relocation</b>		R121 500		R121 500	
<b>Rebates</b>	R489 428	R286 360	R443 045	R748 012	R404 428
<b>NSRC Laptops</b>	R77 171			R160 191	
<b>RSRC Laptops</b>				R1 613 601	
<b>NSRC Cell phones</b>	R49 968	R70 929	R67 249	R37 020	R83 817
<b>N&amp;R SRC Data</b>			R16 020	R64 080	R53 400
<b>N&amp;R SRC Regalia</b>		R119 540		R128 160	
<b>Total</b>	<b>R3 019 471</b>	<b>R3 037 814</b>	<b>R2 987 583</b>	<b>R5 455 628</b>	<b>R2 653 025</b>
<sup>a</sup> The figures shown are as at 30 September 2022					

- d. The net effect of these National SRC benefits exceeds many hardworking South Africans in lower to middle income brackets. Student governance is not only seen as a gateway to "deployment" into jobs at UNISA, but also as an opportunity to access an above average lifestyle with all the attendant benefits alluded to in the report.

#### 4.1.4.4 The 2022 Arrest of the Members of the SRC

- a. I also came to know of the arrest of the members of the National Executive Committee (NEC) of the SRC comprising the NSRC and the Chairpersons and Secretaries of the RSRCs. It is a group of about 25 students, although I learned that some could not make it to Pretoria from some regions. The narration of the events given by the many students involved from the various regions was consistent. According to the students, they arrived in Pretoria on Sunday having travelled from various regions at the expense of the University. They have a practice to align their NEC meetings

with ManCom meetings, so that they can refer the strategic issues that they identify to ManCom for decision making. According to their programme, they were scheduled to meet with members of the ManCom on Monday, but this did not occur. On Tuesday, they caucused on their way forward, where they decided to visit the VC's official residence, as a way of compelling her to meet with them. Again, this was something they claimed to have done in the past with the former VC. They described it as one of those situations where they had to resort to extraordinary measures in order to get their point across.

- b. Most of them were driving vehicles that were hired by the University. Upon arrival at the gate, they signed the register to enter the premises. Upon gaining entry into the premises, they called the DoS, demanding that the VC convenes a meeting of ManCom. Instead, the Executive Director (ED): Security Services was sent, and allegedly said that the VC was coming in 15 minutes. They waited, and the Dean came along with some other people. Apparently, the police came about three times, and the students made it clear that they had done nothing wrong, rather they were just waiting for the VC. At this time, I understand from the various narrations that the students were milling around, singing, chanting the way they normally do when they gather. One member went to the hotel to get food, and when he returned, he was asked to remove his car as he had blocked the entrance. Students said they were eating their food when the police arrived to arrest them on a trespassing charge. To their amazement, when they arrived at the Police Station, they realized that some people were not arrested, some had gotten away. Specific mention was made about the Secretary General, that she was amongst them but was not arrested, alluding to some form of a set-up.
- c. They were released late at night on a warning; and when they appeared in Court on the Thursday, they were notified that the case had been "provisionally withdrawn". They questioned how they could be charged with trespassing when they had signed the register.
- d. When the question of the circumstances of the arrest was put to the various members of the management who were involved, I was told that the students had forced their way in and were violent towards the staff at the residence and there were videos to prove this. I requested for the videos, and all I saw were few students singing and chanting as they had stated. According to the Head of Security, who is a former member of the SAPS, said she requested the students to leave the premises after she was called to intervene. The students apparently refused to leave, and she made several attempts to request the members of ManCom to come and address the students. But when all this failed, they "eventually took an operational decision to call the police, asking them to come and talk to the students". The VC also said that the Embassy which is next to the residence could have also called the Police due to the commotion.



- e. I wanted to know who had authorised for the police to be called; and the VC was adamant that she never gave instruction that the students should be arrested. The VC indicated that the report she got was that the students had overpowered protection services at the gate, and that the police came to remove them because they had forced themselves into the residence. She said after the arrest she made all efforts to ensure that the students are released without a criminal record. When asked whether she reported the matter to the Council, the VC said she spoke to the Chair on the phone. However, several council members were shocked to hear about the arrest and that they were hearing it for the first time, when I put it to them.
- f. I found it puzzling that student leaders were arrested, but the SRC members who serve on Council did not even raise the issue or voice their concerns as they expressed them to me. Some student leaders said that it felt like it was a set-up that they be arrested, because the one student leader that works closely with Management and who sits on Council, was not arrested.
- g. Many students were clearly very angry, hurt, and felt betrayed, and their anger was directed at the VC. Some expressed feelings of trauma at the events and alleged that no support was provided. Students said they did not vandalise the residence as members of NEHAWU did later, but they were treated with disdain and even criminalised for simply wanting to state student issues. When I brought the issue of the trauma to the VC, she asked *“Are students not moral agents who understand the decisions that they take, especially as student leaders themselves who occupied Cloghereen, not like UP or Wits students who are 18 years old, they are some in their 20s and have been in the university for multiple years. I engaged with students after that incident, asking them what the moral and ethical duty of a student leader is who claim that they don’t have support, but they have all these benefits from the institution and all these resources, yet they claim to be dissatisfied with the VC. They had a formal engagement from the VC to engage to discuss their grievances, how do we cast the blame on the VC for the exposure of students to be jailed and be in conflict with the law. I’m traumatised as well, but I don’t want to create a competition. I am saying that students who would never have occupied a male VC’s residence decided to do so when the VC is a female. Perhaps in my fight for them not to be arrested, I was also dealing with an ethical contradiction between their moral agency and their decisions”*.
- h. My view is that such conflicts do not disappear easily. It is advisable for the VC to repair her relationship with her students, especially those coming from the regions. Negative narratives pass from cohort to cohort. One among many examples came from Bloemfontein where students had prepared to meet the VC but according to them, she snubbed them and did not meet with them. These students felt offended. The VC may have had reasons for not meeting with them,

but it is necessary to clear the air with students and to ensure a functional relationship with them, a fact the VC herself knows since she worked in the student affairs portfolio for a while.

- i. On 6 March 2023 a while since I completed the interview with the VC, a third party submitted at email to me with a short narrative and an attachment titled "Statement Under Oath" signed on 13 July 2022. He indicated that he was submitting it on behalf of the VC. It is unclear from the copy where the affidavit was deposited, but the date stamp from the Vehicle Identification Section in Pretoria is visible. In paragraph 4.3 the VC states, "*On 1 February 2022, the Vice Chancellor's official residence, Cloghereen, was invaded by student leaders and pictures of the house were taken and circulated widely. This was unprecedented security breach in the history of the university. Such an act also renders me, my family, and the said property vulnerable to potential security threats or even theft. The matter was reported to the South African Police Service (SAPS) Sunnyside Police Station with case number: CAS 09/022022*". The document goes further to list other incidents of intimidation and threat to her life.

#### 4.1.4.5 UNISA Law Student Association (ULSA)

- a. UNISA caters for just under 400 000 students, consisting of a diverse population of adults, young adults, some are working and some are not. The SRC Constitution makes provision for student organisations and structures established by UNISA students, being faith based, political, recreational or academic recognized by the SRC through its applicable policy. The staff in the SDS said that the University has a database of *about 70 or 80 of student structures* and organisation. I however learnt that most colleges within UNISA have academic student structures, the College of Education Student Association (CEDUSA), the Accounting Sciences Student Association (ASSA), Science Engineering Technology Student Association (SETSA), College of Law's UNISA Law Students Association (ULSA) etc.
- b. According to the ULSA Constitution, amongst the objectives of ULSA are to:
  - *Lead and ensure that law students of UNISA participate and engage in legal dialogue, and organising work to bridge the gap between theory and practice, thus striving to eliminate the isolation brought about by long distance learning.*
  - *Provide opportunities for UNISA law students to engage and participate in the legal professional work environment before and after graduation.*
  - *Ensure consistent availability of information relevant to the study, practice and knowledge of law, whilst working to improve standards and accessibility thereof.*

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- *Develop and maintain an efficient and sustainable working relationship with the University, the College of Law, the SRC and UNISA Law Clinic with the aim to advance the objectives of this organisation.*
- c. Membership is open to any person registered as a student within the College of Law or registered for an LLM or and LLD in the discipline of Law at UNISA; and such membership shall be formal via registration at an ULSA Regional Office, on a prescribed form and having paid the prescribed membership fee of R12.00 (Twelve Rands).
- d. During the interviews, I received many complaints about ULSA, from staff and students, some of whom were members of ULSA. One member of ULSA said “*I am deployed by ULSA. ULSA is no longer genuine to its cause, it is now a device to coerce students to certain sides of management. ULSA was established years back, to assist the regions, whereby student chapters could form groups to learn – so you don’t all the time have to rely on UNISA. ULSA came in and became a student chapter, which should not really be contesting student elections. It was genuine to its cause, until it died. In 2019, there were already other student chapters in UNISA, like the BLASC and NADEL-SC. The ones prominent in UNISA were BLA and NADEL. These structures were established in the country, and they were good because they had their own mother body to bring programmes to the institution to benefit students. In 2019, there was a cabal in the College of Law when they saw an opportunity to use this device, resuscitate it, and use it to engage in student politics. In Limpopo we wanted to assist students, and we decided to contest student elections. There is a loophole in SRC documents which must be engaged, because it allows organisations that should serve student causes to serve as political structures*”.
- e. Many SRC members, particularly those from other student political organisations complained profusely about ULSA being able to contest SRC elections. However, one student said “*Of course they can do that, it is their constitutional right, and the structures follow the university’s legal processes to qualify. However, I have noticed that the Law Clinic is too closely affiliated with ULSA, when there are events held by the Law Clinic, ULSA also features*”. Allegations were made that ULSA has access to UNISA branded vehicles, and resources for catering and venues to run campaigns.
- f. When asked about the relations between ULSA and the Law Clinic, the Head of the Law Clinic said, “*ULSA was formed many years ago as a college structure – all the colleges have similar structures. You see, there is no other university that I know except for UNISA. When UNISA is ridiculed on Twitter, it ridicules the product produced in this university. That is happening because there was a shortage of legal skills being imparted to graduates. I cannot travel to all the regions to give the students in law the skills that they need. We said that there is this organisation called ULSA which we could use to reach all law students. ULSA could create committees in each*

*region and province so that if there is an important communique from the College of Law, they could disseminate information to the students. We did that because students from other regions said that the Law Clinic only had programmes for students in Pretoria, and they were disadvantaged. We said that students should organise themselves in the regions, to benefit students in Thohoyandou and Polokwane. This was a good solution for us. Our students can go to communities to assist people in communities, and we cover a range of skills”.*

- g. One Student who felt that ULSA was a great initiative said “ *When ULSA launched this thing, I thought there is hope, I’m going to gain some practical skills that would help me communicate with my community, as in street law. I feel like ULSA was a great strategy because as law students there are the political parties, but there are some students who just want to be a regular student supported by their own college, without becoming involved in politics. I know that the other colleges have similar structures to support their students”*. Yet this was precisely the problem for some, that an academic structure is being politicised, where large numbers of LLB students are encouraged to become ULSA members, and unwittingly becoming part of a political structure. Another said “ *It is painful to some students who are not politically affiliated, who just want to pursue their academic study through the College of Law, but they must be involved in those structures”*. Several other students alluded to the link of ULSA to the EFFSC, describing ULSA as “ *an extension of the EFF SC”*, having the EFFSC “ *as their handler. Even at KZN region, the ULSA students wear EFF SC T-shirts”*.
- h. Regarding the link between ULSA and the Law Clinic, a college staff member said that ULSA is being used as a fund-raising mechanism for the Black Forum South Africa (BFSA). “ *To have BFSA funded, they will supposedly arrange a strategic meeting for ULSA or a conference or seminar, but if you come into the room you will see flyers for BFSA”*. An ULSA SRC member also said “ *it even does fund-raising through students, to get money. Us as members and students ask how much was made and how much of that money was used to support the cause. You should ask those questions. We know that that money was used to fund a campaign of the EFF Student Command, and even now, when we ask for bank statements, they will not give it”*.
- i. The staff member said “ *This is another instance of the political protection that the Dean and the Head of the Law Clinic enjoy. There are serious concerns about their qualifications – they have no other way to survive this unless they are politically protected, thus the need to fund ULSA. There is a sense that if people are not affiliated with ULSA, they will not be employed. All the student assistants who are appointed from ULSA pay contributions to that structure, which goes back to the President.”*
- j. During the interviews, many alleged the unfair advantage the ULSA members have over other students in the Law Clinic appointments. A Senior Staff member in the College of Law said “ *Just*

*like other colleges, we have student representatives, so we have ULSA in the College of Law. The Law Clinic, which is headed by Advocate Morota, makes financial requests for any activities for ULSA on their behalf, which would then be approved by the Deanery. This happens because almost the entire leadership of ULSA are employed by the Law Clinic. It is further important to note that all the ULSA leadership are also EFF SC members, so if one is not affiliated with ULSA or the EFF, you would not have an opportunity to make progress in the College of Law. If you don't conform to a certain agenda, i.e. that of ULSA, you will not progress. The launch of ULSA was also funded by the Law Clinic". One of the LLB Student who is not an ULSA member corroborated this and said " I know that because of my affiliations I would not be able to get into those opportunities. You will be shocked if you find out certain things in that college which is being done wrong. I know of many student leaders who want to talk about it, but they are afraid of the repercussions".*

- k. I heard about how in one of ULSA events, the Head of the Law Clinic promised students that " *they could have anything and everything that they want – access to question papers, jobs in the Law Clinic*" and the student described this member of staff as one of those people who would damage their reputation and the reputation of the University. In the same breath, students who do not align narrated how they would receive threats. One said " *we would get threats about how powerful they are, because of their link to the VC and their political connections.*" Another said " *they told us that they had people in every department of the university and could easily tarnish my name or my qualification*".
- l. A former student leader said when she arrived, she was told that " *ULSA is powerful in running the institution, and that if one wants a job, you must align with ULSA.*" Another student said " *As we were being lobbied, at the forefront of all discussions, we were told about post SRC plans and how members of ULSA were able to arrange Jobs for comrades who support and pledge loyalty to them and that if we aligned accordingly, we would be taken care of. The idea of having to go back home after being exposed to the kind of life the UNISA NSRC exposes us to was unfortunately a horrible idea for some of my colleagues and they gave in*".
- m. Following the arrest of the students, most of them narrated about a meeting that was held after their release. " *On that Thursday, we had a meeting after we were released with ManCom. I remember that the VC, Prof. Ndlovu and Mr Maimela were there. We wanted ManCom to take decisions. The problem is that even that meeting could not proceed because some people arrived in that meeting and disrupted the meeting*". Another SRC member in narrating the story said " *She {the VC} wanted to meet with us after the arrest. We wanted to talk about the issues that affect our students. We agreed to meet after we attended the court case.... We went to the meeting, all the regional SRC members, and she was there with Prof. Ndlovu and all the ManCom members. I think we were still arguing because she wanted to read a long-prepared speech – we wanted to*

*know what was happening with the academic results. While we were arguing about that, there were people entering wearing t-shirts which said ULSA, and they came and said that we can't sit with the VC, and they took her away."*

- n. When asked about the allegations of ULSA using College resources, the President of ULSA said *"The College of Education supports CEDUSA better than any other college. The Accounting Students Association is also better supported than any other structure. You are welcome to make your own assessment. According to my knowledge, there are events and programmes every three months over weekends for the Accounting students, which the College supports. All the colleges benefit more from the student structures, in terms of bridging the gap and engaging communities and constituencies. On the question of whether we have been assisted, there are specific events for which we need assistance – since ULSA was established in its current form, there have been five such events. We have had numerous meetings with the College management about this, who said that we should register with Student Development to get access to a budget. I think that the College of Law does not support ULSA as much as the other colleges. ULSA has never called a single gathering or programme for which the College of Law provided support or catering. All our programmes are communicated digitally, and there has never been any single email where we requested funding or t-shirts or other sponsorship. There is no evidence that suggests that we receive abnormal support from the College of Law. We only work with the College of Law when we are invited to participate in a specific, formal programme."*
- o. On the alleged unfair advantage of the ULSA members on appointments, he said *"there was a grow your own timber programme in the College"* and because of their political and student activism they would be absorbed.
- p. The Dean denied the favouritism of ULSA, and that as Dean he had a meeting with "very angry students" belonging to ULSA who were saying that the College of Law was not supporting their students. As a college, they do not sponsor ULSA, but they are obliged to serve all the students equally, and not to give students associated with ULSA any preference. He further denied to ULSA having access to the College resources. He added that *"We remain true to our principles. From time-to-time formations may have a conflict with another structure, and they will presume that I am supporting ULSA and spread rumours. That is not the case."*
- q. A staff member in the DSD commented that there is different support from colleges, which intimidates political structures because they can see that they may be displaced. It appeared to me that the issue of the advantage of ULSA over others had been escalated to DSD, and a staff member indicated *"I had to ask the College of Law to hold back on their support, because we are in the election time. If there is money being put into the launching of structures, the political structures will see it as the university supporting a specific structure. They said that they would*



*not back off, they want ULSA to be a dominant structure and that there would be benefits for the institution. There would be benefits for students, because they also stand for the best interests of the students, creating opportunities and training directly with the students."*

- r. It still remains a stalemate that the DoS and other stakeholders should look at. It is a fact that the Constitution of the SRC needs revision. A robust engagement of the eligibility criteria and constituencies should be undertaken to ensure that structures indeed support students in line with their mandate and not drive political agendas.

#### **4.1.5 Other Statutory Bodies**

- a. Besides, the Council, Senate and the SRC; the Institutional Statute makes provision for the Institutional Forum (IF) and Convocation.
- b. The IF is established in terms of section 31 of Higher Education Act. Its membership is elected from a broad range of stakeholders, and includes representatives from *inter alia* Senate, Executive Management, Council members, academic and non-academic staff, unions and students. Its role is to deliberate and advise Council on a wide range of issues affecting the institution. While an IF must advise Council broadly ("on issues affecting the institution"), the Act directs its attention to five specific areas: the implementation of legislation and national policy, race and gender equity, the selection of candidates for senior management positions, codes of conduct, mediation and dispute resolution procedures, and "the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning.
- c. In terms of the Statute, the UNISA IF consists of the following representatives:
- i. two members of senior management, designated by the management committee;
  - ii. the dean of students;
  - iii. the Executive Director (ED): Tuition and Facilitation of Learning;
  - iv. one external member of council, elected by council;
  - v. two members of senate elected by senate;
  - vi. two permanent academic employees elected by such employees;
  - vii. two permanent employees other than academic employees elected by such employees;
  - viii. two students from the students' representative council elected by such council;
  - ix. two members nominated by each sufficiently representative employees' organisation;
  - x. two external members recommended by the management committee and approved by council;

- xi. one of more members co-opted by the institutional forum to assist it with any specific project or projects.
- d. At the time of the assessment, the IF consisted of the following members:
- |       |                   |   |
|-------|-------------------|---|
| i.    | Prof OJ Kole      | Senate representative                       |
| ii.   | Mr R Mathura      | Management representative                   |
| iii.  | Dr EP Mokgobu     | Management representative                   |
| iv.   | Prof M Magano     | ED: Tuition and Facilitation of Learning    |
| v.    | Mr DG Mabasa      | Academic Employee representative            |
| vi.   | Ms V Hlongwane    | Academic Employee representative            |
| vii.  | Mr S Bila         | Employee other than academic representative |
| viii. | Ms L Lewis        | Employee other than academic representative |
| ix.   | Prof ID Mothoagae | Union representative - APSA                 |
| x.    | Mr JJ Jonker      | Union representative - APSA                 |
| xi.   | G Magwaba         | SRC representative                          |
| xii.  | Adv MJ Majodina   | External member appointed by Council        |
| xiii. | Mr PR Thulo       | External member appointed by Council        |
- e. I observed that the IF was not constituted as per the Statute and that several members of the IF were also serving on other structures almost in the same capacity. For example, Prof Kole was also a member of Council elected by Senate, and he is also on the IF in the same capacity. Likewise, Prof Mothoagae and Mr Jonker were members of Council as the two permanent academic employees who are not members of Senate and also IF members as APSA representatives. I find this to be counter-productive, and in fact I ask myself when do these employees get time to perform their employment duties when they are serving in so many structures. It also undermines diversity of views in these structures.
- f. I randomly selected some members of the IF to interview, besides the many others that were serving in many other structures. One interviewee said “*I have been a member of IF and attend meetings now and then. When I look at the agenda, I would say that there are personal vendettas, that this one is fighting that one, and when it is time to vote some abstain and some are not comfortable to vote*”. IF having a role in mediation and dispute resolution, when one was asked about the known tensions between the VC and Registrar, the response was “*I won’t comment on that. I don’t know much, so I cannot say anything. I don’t know them. Even if I parked next to the Registrar, I would not know if it was him*”. One indicated to not even know the fellow members as all meetings throughout have been online and people do not even display their videos.

- g. Looking at the annual reports of the past two years, 2020 was described as a difficult year due to the Covid-19 pandemic and the lockdowns, thus only one meeting was held in July. During 2021, the IF met seven times and its EXCO three times; and advised Council on the enrolment plan for 2021, and the appointments of the Chancellor and VC.
- h. It does not appear to me that the IF is optimally fulfilling its Act-given functions within the institution. There are so many problems and issues facing the University, many of which should be occupying the collective minds of members of the IF for ongoing advice to the Council. A further problem is the two-year term of office, which I view to be very short. It takes time for one to be inducted and familiarized with the work of such a structure. The short term of office is such that as soon as the member starts to understand the work, their term ends; new members come, and the cycle continues.
- i. **Convocation** is another statutory structure whose role is to enable the participation of the alumni in the governance of the university, and also provides a statutory connection to its former students. During my introductory meetings, I had planned to meet with the members of the Convocation EXCO who were not members of the University Management, but the meeting did not take place as there were no members to meet with. According to the information provided to me, the EXCO consisted of:
- Prof P LenkaBula VC / Acting President of the Convocation
  - Prof MS Mothata Registrar
  - Mr. M Nhlangulela Co-opted Members
  - Rev S Hlatshwayo Co-opted Member
  - Mr M Modiba Invited Member of Convocation (also members of the Council)
- j. There was no meeting of the Convocation that was called to elect office bearers or to report on matters of the Convocation, as required by the Act. I get the sense that UNISA is casual about the statutory importance of the Convocation and disregards its obligations in this respect.
- k. I noted a situation which resemble the pattern of events that seem to be playing out in the sector. The Convocation is used as a platform for members of the SRC to remain involved in the affairs of the University post their years as students. The former President of Convocation was a former student leader and President of the SRC; took over the Convocation and became a member of Council. He is said to have been part of the Council that shook things up at the University. He was appointed the Chairperson of the ICTCoC, with no ICT qualification or experience. He has a BA in Psychology from the University of Pretoria; as a postgraduate student at UNISA he completed two Honours degrees, one in Psychology and the other in History and a Master's degree in Psychology specializing in the area of substance and alcohol abuse. Following the release of the MTT Report, he resigned from the Council and became employed at the University under very

mysterious circumstances. At the time of the assessment, I was made aware that the employment contract had expired and there appeared to be problems renewing it, but he was still working and had access to everything as an employee generally would.

## 4.2 The University Management

The University Management including the Office of the VC and the Management Committee considered and evaluated during the independent assessment discussed next.

### 4.2.1 The Office of the Principal and Vice-Chancellor (VC)

The following section presents information related to the Vice-Chancellor(s), firstly I discuss the appointment of the current VC, this is followed by the structure of her office. I conclude this section with context and information on the previous VC.

#### 4.2.1.1 Appointment of the VC

- a. In terms of section 48(3) of the UNISA Statute, the VC is responsible for the day-to-day management, administration and leadership of the University in respect of:
  - (a) *the overall institutional leadership and policy development in respect of -*
    - (i) *resource management;*
    - (ii) *performance management;*
    - (iii) *strategic planning and development; and*
    - (iv) *change and transformation management.*
  - (b) *finance and resource development;*
  - (c) *internal audit and risk management; and*
  - (d) *corporate systems.*
- b. I received representations that the current VC did not qualify for the position since she did not fulfil the 10+ years' experience required by the advertisement. Allegations were further made that the process was manipulated to suit her. In assessing what the facts around this matter were, I embarked on a number of activities.
- c. I scrutinized the advertisement that was issued by UNISA and Academic Partners from which the date does not appear. Requirements from the advertisement were:
  - At least a Doctoral Degree and deep insight into virtually every aspect of higher education;
  - 10+ years' experience in which all these aspects are demonstrated;

- A person who is an accomplished academic and leader with proven strategic vision, wisdom and determination and demonstrable experience in executive academic management who will have a student-centred approach to the academic agenda.
- d. I noted that the advertisement is open-ended and could be subjected to multiple interpretations.
- e. I had initially requested the detailed CV of the VC, all ManCom members, Executive (Acting) Deans and Executive (Acting) Directors. It was therefore possible for me to analyse the matter.
- f. In order to be fair to the VC, and further indicating to her that she did not appoint herself into the position; however, I wanted to hear her response to the allegation that she did not meet the minimum requirement of 10+ years' experience in senior management.
- g. In response, the VC said, "*The allegations that I am under qualified makes a mockery of the national policy systems, including of potential and opportunity, whether affirmative action or talent analysis or the work that I have done since I started within the university, civil society and business. It does not take into consideration that for a very long time I have held executive responsibility in international settings in globally respected organisations that have been active in the liberation of the country or as allies in the liberation of the country. The work that I have done as the ED for the World Alliance of Reformed Churches, one of the critical ecumenical organisations, is sometimes negated*".
- h. My factual analysis based on the information presented to me is the following:
- i. The VC earned her PhD in Theology with a specialization in Ethics in 2006 from UNISA.
  - ii. Before that, she held short consultancy positions at the SACC and EU Commission in South Africa (Oct 1998 -May 1999, 8 months), the Institute of Contextual Theology (June 1999 – July 2001, 2 year); KPMG (May - Aug 2001, 4 months), Community Church Leadership Trust (July 2001 -Dec 2001, 6 months).
  - iii. Between Oct 1997 - July 2001 she was a Part-time Lecturer in the Department of Systematic and Theological Ethics at UNISA.
  - iv. She became an Associate Professor in Ethics between 2009 – 2016 and was a Lecture and Senior Lecturer between 2001 – 2008 at UNISA.
  - v. Between Jan 2011 – Dec 2014, she held the position of Strategist and Advisor to the VC and Director for Projects in the Office of the VC at UNISA.
  - vi. She held the position of Dean of Students (DoS) (Post Level 4) at UNISA (Jan 2014 – Feb 2016, 2 years, and 2 months).
  - vii. She was Executive DoS (Post Level 4) at Wits reporting to the VC according to the information provided to me (Mar 2016 – Mar 2018, 2 years).

- viii. She was then Vice Rector / DVC: Institutional Change, Student Affairs, and Community Engagement (Post Level 2) at the University of Free State (May 2018 – Dec 2020, 2 years, and 9 months).
- ix. She was also Executive Strategist Consultant at the Motsepe Foundation (2013 – 2020).
- i. I went further to inquire from some of the members of Council who were in the Selection Committee. One member who had raised concerns about the selection processes, revealed that he was called on a Saturday morning by the previous Chair of Council to inform him that he was no longer a member of the selection panel. He received no formal correspondence on this. Another said, in hindsight that they misread the 10+ years senior management experience requirement as they presumed the DoS position to have been an Executive position. Another said the VC gave a very good interview and he thus voted for her. There were other mixed reactions from other members of Council who were present in the meeting that finally decided to appoint her into the position.
- j. I came across the Academic Partners Report submitted to the Portfolio Committee regarding the VC appointment process at another university around 2020 which was subjected to an enquiry. The Report reads “*Because of the specific request to identify strong female applicants, Prof Puleng LenkaBula was presented with the full knowledge she fell short of the 10-year experience in a senior leadership role. Whilst the Selection Committee liked her application, they were resolute on the fact that all candidates had to meet the ‘10-year criteria.’*”
- k. Having considered all this information including other allegations made in this respect, I strongly believe that the advertisement was poorly constructed. I have yet to see a VC who “*has deep insight in virtually every aspect of higher education*”. This is grossly unfair towards the candidates. The authors of the advertisement have no deep insight in virtually every aspect of higher education themselves if they were to be assessed. That cannot be expected of anyone. This is a very poor reflection of Academic Partners who have been involved in executive appointments in higher education in South Africa for a while.
- l. The next requirement is a 10+ years’ experience in which ‘a deeper insight into every aspect of higher education is demonstrated’. This requirement, which some allege was tempered, with is fuzzy, to say the least. Having looked at the three candidates that were shortlisted, one was a solid academic with only about 18 months stint in the office of the former VC assisting with various projects. This was a candidate that was pushed ‘against her will’ to make herself available. She has an impressive publications record. According to the above two requirements, she would not come even close to a deeper insight into every aspect of higher education and have 10+ years’ experience to demonstrate it, but she was shortlisted. The other candidate had at best 6 years of senior/executive management experience and approximately six years teaching experience but

has no academic CV at all to make up for the unfair requirement alluded to above. The candidate that was appointed does not have the 10+ years' experience, where a deeper insight of every aspect of higher education is demonstrated.

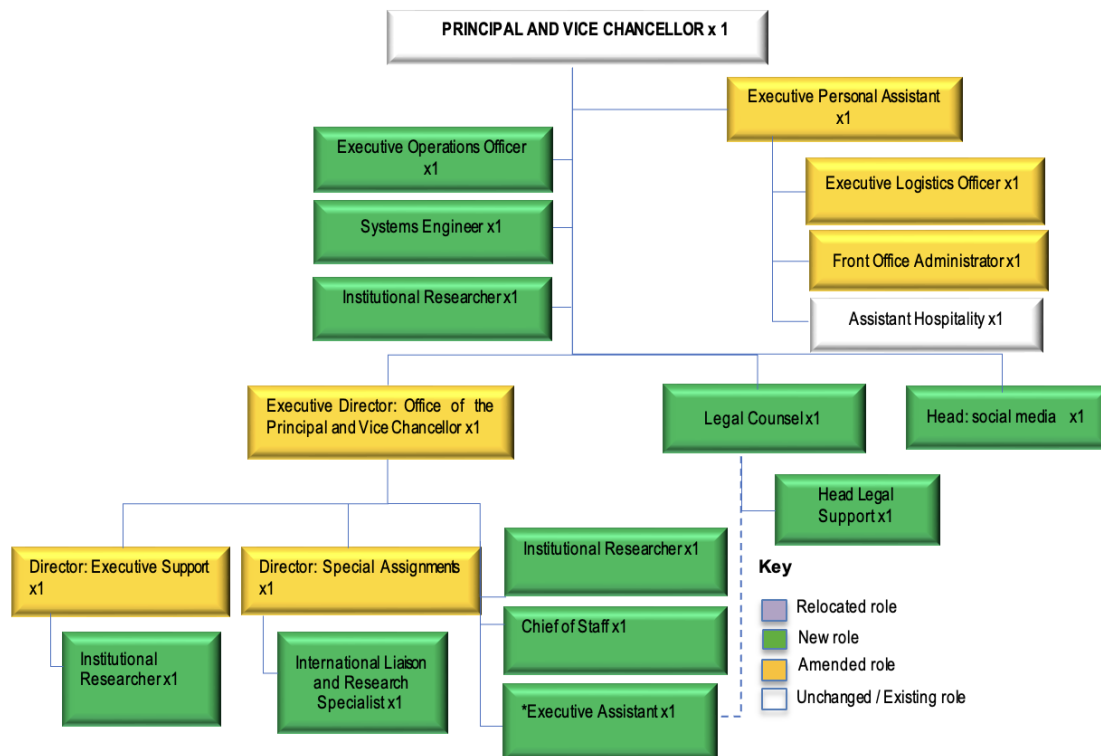
- m. The governance failure of the Council can therefore, not be blamed on the candidates that hopefully presented themselves in good faith responding to a poorly written advertisement.

#### 4.2.1.2 *The Structure of the Office of the VC*

- a. The VC is the chief executive officer and is responsible for the overall management and administration of the University. The VC fulfils these duties being assisted by the Vice-Principals (VPs), seven in the case of UNISA. It is common cause that the Office of the VC will have support staff. The staff complement in the previous VC's office consisted of a Personal Assistant, a Director of Projects, and a driver. The current VC assumed office on 5 January 2021, and when asked how many staff were in the VC's office when she started, she said "*No one*"; and that the current structure she has is on borrowed resources. She indicated in an interview that she has about 8 personnel in her office.
- b. According to the information that I received and from the various documentation provided, I came across the following positions and/or personnel in the Office of the VC:
- i. Prof MJ Masenya ED: Office of the Vice-Chancellor
  - ii. Dr O Mabusela Director: Legal Support (Secondment)
  - iii. Mr David Maimela Director: Executive Support
  - iv. Mr M Ramotshela Director: Communications (Acting)
  - v. Ms TC Moemise Chief of Staff (Secondment)
  - vi. Mr JT Ramasodi Executive Support
  - vii. Mrs RF Maswime Manager
  - viii. Mr KM Lekhuleni Driver
  - ix. Receptionist
  - x. Hospitality Assistant
- c. The organogram of the current VC that was provided to me, had and the following positions:
- i. ED: Office of the VC
  - ii. Director: Executive Support
  - iii. Director: Special Assignments
  - iv. Director: Institutional Contracts
  - v. Personal Assistant
  - vi. Receptionist
  - vii. Hospitality Assistant

viii. Executive Driver

- d. The ED in the Office of the VC submitted a memo dated 28 February 2022 to the HR Department requesting an expansion in the Office of the VC. The memo proposed 11 new positions, while abolishing two existing positions (Director: Institutional Contracts and Executive Driver). In May 2022, HR made a submission to obtain the ManCom’s recommendation enroute to the HRCoC for consideration and decision of the revised structure.



- e. According to the Minutes of the HRCoC of 6 June 2022, the Committee queried why the position of Chief Operating Officer was not considered, how the offices of the vice-chancellors at other universities were structured, the financial implications of the restructuring given that the Council had resolved that some of the vacant positions in the University be frozen or abolished to free funds for salary increases. In response the VC stated that the proposed structure aimed to comply with the Statute while optimising the functions of the Office of the VC. As such the position of Chief Operating Officer had not been considered for compliance purposes as it was not provided for in the Institutional Statute. Benchmarking against other universities would not work as the University catered for over 300 000 students while other local universities catered for 30 000 students.



- f. The HRCoC recommended the revised structure to Council for approval. At its meeting of 14 December 2022, the Council resolved to approve the proposed structure on condition that it was implemented in a phased-in approach based on the available budget. The 2022 HR budget for the VC was R9,484,117; while the cost of the structure in 2022 was R8, 997, 053. The envisaged cost of the new structure is R23, 323, 561 thus requiring an additional R14, 326, 508.
- g. I find the argument proffered here being disingenuous. The size of the student population did not suddenly grow to what it is now. It has always been proportionally larger than all other universities, however the previous VCs had a reasonable staff complement in their offices. In my years of higher education, I have not seen such a bloated structure anywhere. Besides the magnitude of the additional posts that are being created, upon a closer examination of some of these positions and their key performance areas, I struggled to understand. For instance, there is the ED and there is a newly established Executive Operations Officer position whose role is to act as a strategic link between the Office of the VC and the internal and external stakeholders; and provide executive operational support to the VC regarding meetings, reporting and monitoring. This is in addition to a newly proposed Chief of Staff position.
- h. There are also three Institutional Research positions, the first one is to provide support to the VC with conducting basic research, and drafting speeches, presentations, reports and submissions; the second is to provide support to the Director: Executive Support with the same functions; and the third is to provide support to the ED in the Office of the VC with the same functions and liaising with the portfolio of the VP: Strategy Risk and Advisory Services for the facilitation of strategic reports for Council and the VC's summits. I ask myself where will the Director: Executive Support be delivering speeches to require this kind of support. Besides, institutional researchers are specialist librarians / information specialists that may perform tasks as and when requested by the VC, and then continue with their normal duties for a normal 40 hour week.
- i. The new positions being proposed include positions that appeared to be a duplication of structures that already exists in the University, such as, amongst others, a Legal Counsel and a Head: Legal Support although there is a LSO in the University headed by an ED which is supposed to deal with all legal matters. Also proposed are a Systems Engineer and a Head of Social Media, an International Liaison and Research Specialist, and an Executive Assistant.
- j. Looking at the overall organisational structure, I identified directorates and divisions which may be duplicated by some of these proposed positions. Under the VP: Institutional Development, there is a Directorate: Stakeholder Engagement, Projects & Coordination. Under VP: ICT is an ICT Systems and Operations Directorate, thus bringing to question the role of the Systems Engineer whose key performance areas include designing, implementing and maintaining the

information technology; and creating control features to ensure that systems effectively meet the organisation's quality standards. VP: Strategy, Risk and Advisory Services also has an Institutional Research Directorate under the Department of Institutional Intelligence, Division of Governance, Reporting and Support; and the Department of Legal Services/ Chief Legal Advisor. The positions in the University are meant to serve the University rather than an individual. I am of the view of that this appears to be a move to consolidate power within the office of the VC; or an indication of lack of trust of the VC in the VPs. Nonetheless, this is unsustainable.

- k. In a document to Council entitled "Capacitating the Office of the Principal and Vice-Chancellor", dated 24 November 2022, authored by the Acting ED: HR, it is conceded that there is a risk of duplication of functions in the University, for instance in Legal Services, Institutional Advancement, ICT and Institutional Intelligence. It proposes that the roles should therefore be clarified between the VC and the relevant stakeholders to ensure that responsibilities are clearly demarcated.
- l. When the VC was asked about apparent duplication of functions, she responded that governance, MOUs and contractual systems are strengthened by the proposed appointments and that all aspects of the law needed to be strengthened. She does not see these proposed appointments as a replication of existing functions, rather as a strengthening of legal capacity, thereby ensuring compliance. Also, the Director Projects and Director: Executive Support was to support the vision of the university in relation to projects, while a systems engineer is needed as there is no VP doing assessments of teaching and learning and systems analysis in this area is needed with regard to teaching and learning information in order to make constructive decisions made on the basis of factual information and analytics. A Social Media and Communication expert would strengthen university communication with the media. A 'Chief of Staff' is needed to coordinate the work of the VC's office internally, ensuring that calendars and agendas are coordinated.
- m. I do not think this is an efficient usage of the tax-payers money that is invested to the University in order to provide quality teaching and learning, something that I found to be extremely compromised at UNISA. This is an institution that is operating with significant shortages and vacancies of academic staff. Many academic staff complained of burnout, college Deans highlighted the skewed lecture/student ratios. One Dean put it this way "*the skewed lecturer/student ratios which inevitably compromises the quality of attention to students and the level of service*". I also found it to be the failure of governance for council to simply rubber-stamp this proposal without proper scrutiny. My finding on this is that the VC has no capacity herself to surround herself with so many staff members, some of whom give instructions to VPs, from what I heard. Council failed the university and the public with this decision.

#### 4.2.1.3 The Previous VC

- a. It is undeniable that the VC inherited many problems when she assumed the position in January 2021. I heard that “*the rather chaotic ending of the previous Council and the establishment of the new one was the defining moment in the unravelling of UNISA. Dr Mathews Phosa and the previous Council members ... were of high standing – intellectually, in terms of their academic profile, etc. Council members would say ‘here is a copy of the book I just published’, or ‘here is a copy of a journal article that I just wrote’. You knew that the composition of the Council and the strategic direction they were pushing was befitting of the institution. There was no planned succession, and the quality of the Council members who then came in you just cannot compare, it was chalk and cheese. What was worrying me was this issue of people who are hungry, who are consultants, and I suddenly had this experience which never happened before where people would come and say I’m running a consultancy business, I see you have connections, can’t you hook me up. We had hustlers and people with no university experience.*”
- b. I also learnt of a Council meeting of 2017 wherein the former VC was threatened to be fired by Council, which apparently affected him and management’s position on strikes and salaries, etc. According to the testimonies I received, the former VC began to be very fearful of the Chair of Council and the Council; the Council began to be very much involved in operational matters; the University shifted from “the rule of law towards rule by law, where the law was weaponised inconsistently”; the unions became emboldened while the voices of academics got muted; the notion and ethos of an academic enterprise, free speech and robust engagement diminished. One interviewee said “*I noted that he was no longer the person who ascended the seat of VC as somebody that took decisions*”.
- c. Stakeholder relationships began to shift where the “*University power was not resting on the Statute, but on stakeholders like NEHAWU, APSA, EFF SC and others. There was the Statute on one side, and more powerful, the informal arrangements which saw more and more appointments coming through these informal arrangements. It became more obvious as people were taken out, and others came in*”. Stakeholders became weaponised by those in positions of power. For instance, I heard about how “*The Management would propose a salary increase, and stakeholders would meet separately with the Chairperson, saying you guys with your graphs can do what you want, we have a deal with the Chairperson.*”
- d. I interviewed the former VC to get his testimony about the allegations that things went wrong during his tenure. On the question of what went wrong, he gave the following account:

*“When I started, there was an excellent Council in place, and I recall all the previous Councils also being viewed with appreciation for their arm’s length governance, without interfering in the*

*running of the institution. On the question of the Act, they knew what their roles were. It was an exciting time when I moved to the position of Pro Vice Chancellor and later VC, because of this strong sense of governance. In 2015 and with the advent of #feesmustfall, I started to see a problem raising its head in the university. The very first attempt which was pursued to its logical conclusion was to say that there was no interest in having {the former members of Council} operating in Council at the time, that they had to exit. It came as a shock that they had to exit, these people just bulldozed a Council meeting.... There was a question about why Dr Phosa was still in Council, because he had exited. I explained that Dr Phosa's time had ended, but that Council asked that he should continue to support them for another three months to provide a transitional period. The Deputy Chair at the time took over as interim Chair, but the tensions were strong, and continued. We did not know where they emanated from, whether from inside or outside, and there was this insistence that they did not want the Council. ....The refusal by the students that the Deputy Chair should chair that meeting caused even more stress, despite us saying that she was just an interim chair until the end of the year. We could not continue with that meeting and could only resume after negotiations around mid-day. They insisted that we elect a new chairperson from the meeting, and a new Chair and Deputy Chair were elected. From our side, we were not clear about developments as they were unfolding, but it was clear that the meeting would not proceed if we did not concede..... The first thing on the agenda was that we should drive transformation, and I said no, hold your horses, we could tell you about transformation in the university. Regardless of that explanation I provided, they were dismissive. I realised that this was a new thing, beyond what we anticipated, it was just meant to be disruptive. They also presented the insourcing of contract workers, and I said that would need a process. For the first time, there was a tussle between management and Council, you would walk into a meeting, and it would be a battle ground, there were accusations that management was disrespectful of Council, and that narrative did not stop. We had to appoint new members of the Executive Management because others had exited, people who were with me were retiring but others were subjected to reviews and chose not to continue, not wanting to continue being subjected to what transpired in 2015 and 2016. Eventually, I had to continue with a reduced Executive Management. .... Now, suddenly, after that invasion and with the new Council, something happened where I no longer had a voice. I would make a recommendation, and it would be kicked out - I eventually asked in one of the meetings why I, as the person understanding the environment best of all, why there was no support. They said that there could be no situation where the VC could appoint his own people to Executive Management. I ended up with an Executive that I had no say about. This explains the situation where I would find huge weaknesses in individuals, but under the circumstances I could not take a hard line position apart from calling upon them to improve. Those weaknesses might have been known to us from the interview process, but because we did not have a voice in their appointment, I ended up with these weak*

*individuals in my second term particularly, which was very difficult. I ended up thinking that if I exited the university now, I would be selling out the masses. I had institutional memory, I knew how things were, and how they could be. I decided to stick it out."*

- e. The account which corroborates the many versions I heard from several other people of what went wrong is extremely disturbing. It appears to me that certain rogue elements infiltrated Council to pursue their own interests above those of the University. It is vitally important that the council does not interfere or undermine the executive team although the Council must exercise checks and balances to ensure that the institution is well run. The VC is the face of the University, although he/she is accountable to the council. What transpired was a total disregard of the provisions of the Act and good governance principles.
- f. Whereas I have a deeper understanding of institutional governance and the role of the VC in relation to Council, I find that the previous VC failed in his duty in the period between 2016 and 2020, by allowing himself to be weakened by a network of individuals within Council. There were early warning signs and he seemed to have ignored them and hoping things would become better.
- g. Given his extensive knowledge of the higher education system, and in particular his longevity at UNISA, he failed to come to terms with the fact that UNISA was a public university funded by the taxpayers for the public good. I may not have been in his shoes, however I question why he did not seek the Minister's intervention. I am aware of a number of VCs who raised their hands and voices when they found themselves under siege and some Councils were dissolved as a result.
- h. The previous VC together with his management further adopted a nonchalant attitude towards the unacceptable behaviour of NEHAWU, APSA, SRCs, Black Forum, the College of Law, a free handout of professorships, deterioration of student services and pervasive non-compliance to HR, finance, ICT policies, a trend that continued unabated.
- i. So indeed, the current VC did not inherit a properly working institution but one where stakeholders appeared to have unfettered powers. I was told by some that the current VC neutralised the powers of the unions which the former VC failed to do. The idea of co-operative governance espouses the principle of democratisation which should ensure governance that is democratic, representative and participatory and characterised by mutual respect, tolerance and the maintenance of a well-ordered and peaceful community life. Structures and procedures should ensure that those affected by decisions have a say in making them, either directly or through elected representatives. However, this principle appears to have been seriously abused and weaponised and it can create a difficult environment for those entrusted to manage the institution.

- j. Within the principle of cooperative governance, it is management's duty to run the university, and it is the duty of Council to ensure that the university is run properly. Structures and procedures should provide for stakeholder participation in decision making, not for them to govern or manage the University.
- k. That being said, there were several allegations that were made against the current VC, which formed part of the terms of reference of this assessment. They are dealt with later in the Report.

#### **4.2.2 The Management Committee (ManCom)**

- a. Besides the University's office-bearers, governance structures, the Statute defines the role of the University's management structures.
- b. According to the UNISA Statute, the VC performs his or her functions, with the assistance of a management committee (ManCom) which consists of the principal and vice chancellor; the pro vice chancellor; the vice principals; and the registrar. The ManCom is responsible for the day-to-day operational management of the University.
- c. The Statute also provides for an extended management committee (EMC) which consists of the members of ManCom, the executive deans of the colleges; the deputy executive deans of the colleges; the EDs; deputy EDs; and the deputy registrar. The EMC would discuss academic and administrative interest and serves in an advisory role to the ManCom.
- d. At the time of conducting the assessment, the ManCom of the University was as follows:
 

i.	Prof Puleng LenkaBula	Principal and Vice-Chancellor (VC)
ii.	Ms Mathabo Nakene	VP: Information & Communication Technology
iii.	Dr Phasoane Mokgobu	VP: Institutional Development
iv.	Mr Matsiababa Motebele	VP: Operations and Facilities
v.	Prof Khehla Ndlovu	VP: Strategy Risk and Advisory Services
vi.	Prof Zodwa T Motsa Madikane	VP: Teaching Learning Community Engagement and Student Support
vii.	Prof Thenjiwe Meyiwa	VP: Research Postgraduate Studies Innovation and Commercialisation
viii.	Mr Khathutshelo Ramukumba	VP: Chief Financial Officer
ix.	Prof Steward Mothata	Registrar
- e. At the time of the Independent Assessment, none of the ManCom members served in an Acting capacity. However, the next layers in both colleges and the administration had various Acting

appointments, some renewable beyond the period approved in the policies. This does not only promote instability, it also undermines the strategic intent of the university.

- f. Having spoken with all the members of the executive management, it was striking how despondent the team was. ManCom is not a vibrant, agile and responsive team, that is excited about their jobs. I observed an environment where there is no teamwork or cohesion or synergy amongst the members. It is common cause that one would never expect a group of people from diverse backgrounds and ideologies to simply start working fluidly just like that, without any effort.
- g. The UNISA management environment appears to be one where there is little trust, and no collective vision and support. Instead, it is a situation where there is suspicion, poor communication, and the focus is on individual survival and how to protect one's position. They are treading very lightly as they walk on eggshells fearing for their jobs. Efficiency, collaboration and innovation become sacrificed in such an environment. It's a difficult environment that renders people inefficient and unable to function.
- h. This is different from the ideals and goals of higher education as articulated in the White Paper 3 that "*Higher education has an unmatched obligation, which has not been adequately fulfilled, to help lay the foundations of a critical civil society, with a culture of public debate and tolerance which accommodates differences and competing interests. It has much more to do, both within its own institutions and in its influence on the broader community, to strengthen the democratic ethos, the sense of common citizenship and commitment to a common good*". Institutions are expected to "*establish an academic climate characterised by free and open debate, critical questioning of prevailing orthodoxies and experimentation with new ideas*".
- i. The functioning and efficacy of management is not optimal. ManCom has its regular meetings, perform all other functions within their domain, but it is patently clear that all is not well. I also observed that there appears to be no regular one-on-one meetings between the VC and the individual members of ManCom.

#### **4.2.3 The Relationship Between VC and Registrar**

- a. The glaring tension between the VC and the Registrar was something that I heard about from students, staff, managers at various levels and members of council. While one described their relationship as "*very clinical, professional, technical and no hurling of insults*", the VC described the relationship as difficult attributing it to the Registrar's "*passive aggressive approach*". She however indicated that she had to take a firm stance to ensure accountability; and below is what she said when asked about the relationship: "*I needed to bite the bullet and humble myself to request Prof. Mothata to do his work, and if he does not, to put in writing what the negotiables*

*and non-negotiables are. I did not leave it to the formalities of work and professional accountabilities, I have also asked Council to mediate it because it is affecting the university negatively. When I saw that it was not working, I had to use another tactic, the Joint Operations Team to deal with the interdependencies between portfolios. At a management level, that is acceptable, but at the governance level you inundate people with work they should not do. I have gone to Council multiple times to say that we cannot function like this. .... His attitude has created a sense of negativity in the institution, with groupings and contestations that overall creates a negative sense throughout the university. It goes against the spirit of Ubuntu and the idea that universities serve the community."*

- b. When the question was posed to the Registrar, he indicated that the relationship was good when the VC started and they had regular meetings, and respect for each other. The relationship was definitely good at first that she appointed him as the Acting VP: Operations and Facilities when the substantive incumbent left the University. He stated that the problems started when the renovations at the VC's official residence started. *"Then the renovations started. There were four directors in charge of the actual renovation process, and they reported regularly through the ED to me. ... There were demands from her, and I remember at some point asking her not to be involved in this. But the problem was that she bypassed me by going straight to the Directors, which was when the problems started. She sent them WhatsApp's, telling them what to do. I did not know about all these things until the pawpaw hit the fan. The Directors have all these things on record. Shopping was done, I did not know that she requested people to go shopping with her for the house. When you start doing that, you get into trouble, and when RemCoC asked for a report it started going wrong. I had a tape from a meeting with the Directors where they say that she phoned them at night and sent them WhatsApp's, and I told her that she should not be involved, the Directors know what to do. If you don't like the colour of the curtain, live with it. This is not somebody's house; this is the university's house. I told her, and I was ignored."*
- c. I asked the Council Chair about what Council is doing about it. The Chair said *"It is an agenda item on the Council agenda. We took a resolution which says that Council is worried about the unhealthy relationship between the VC and Registrar, and that the Chair and Deputy Chair must mediate the relationship, and if that does not yield results, Council will revisit the situation."* When further asked how did Council, as the highest decision-making body of the University, become reduced to being mediators rather than taking decisions about this, given the conflict that may arise; the Chair had this to say *"My understanding is that if the relationship is broken down irreparably, we would hand it over to the professional mediators. We are not perfect, but that is the resolution. It is a major concern, and we do realise that there are implications that must be considered."*



- d. It became clear to me that the relationship had become irreparable; and it was seriously impacting the work of the University. An example being the manner in which the issue of the DoS has been handled. Having been Registrar for many years, I understand the ethical and legal difficulties that may arise in the day-to-day relationship between the VC and the Registrar owing to the double-hatted Council Secretary/ management role of the latter. This is about the conflict between the legal duties and responsibilities to the Council, and responsibilities as a member of the management team reporting to the VC. Borrowing from the MUT Independent Assessor (2018), “the Registrar is the fulcrum of the Governance and Management delivery of the university”. Perhaps having the Deputy Registrar: Governance Support serve as Secretary of Council does to some extent absorb the impact of the fallout in the relationship between the VC and Management from a governance point of view. However, the relations between the VC and the Deputy Registrar: Governance are not as healthy as they can be, as a result of the aftermath of the Bowman’s Report. See 4.4.5.4 (g) and (h) below.
- e. The UNISA Registrar’s portfolio includes the regional service centres which are meant to provide many key services to students including counselling, library assistance, tutorials, student administration and technology support, as well as student development division. Given the many complaints I received from students, I ask myself to what extent has this fall-out impacted negatively on the Registrar’s Portfolio to function effectively in the provision of services to students? I find it that Council failed in its duty by allowing this to continue for more than a year.
- f. I also received complaints about the appointment of Mr Motebele as the VP: Operations and Facilities. He previously held the position of Project Manager in the same portfolio between 2012 – 2019. He then left to take up a position of ED at another university between November 2020 and February 2022, before his appointment as VP at UNISA. He was implicated in some irregularities when he was the Project Manager in an investigation by Internal Audit. By the time the investigation was concluded, he had left the University. Yet, it seems that this critical information was not considered in his appointment; and if it was then the facts were disregarded.

### 4.3 The Office of the Registrar

- a. The following sections focus on the evaluation of the Office of the Registrar and presents the related findings and recommendations. According to the Terms of Reference, I was tasked to investigate the operations of the Office of the Registrar in relation to the management of academic affairs, registration and certification matters and any other matters that the Independent Assessor believes warrant investigation.
- b. The Office of the Registrar at UNISA is described as the “*axis upon which the university runs*” serving as the institution’s student administration hub and custodian of institutional and student governance<sup>12</sup>. In short, this Office is responsible for student administration and institutional governance and includes ensuring that all programmes offered by the university are accredited and registered by the relevant authorities. In addition, the Office is the official secretariat of Senate and Council and takes functional responsibility for all official Committees. One additional responsibility in the Office of the Registrar at UNISA is the Music Directorate. In terms of student administration, the main functions are:
  - Student Admissions and Registrations
  - Student Assessment Administration
  - Graduation and Records Management
  - Regional Centres

#### 4.3.1 Structure and Functions in the Office of the Registrar

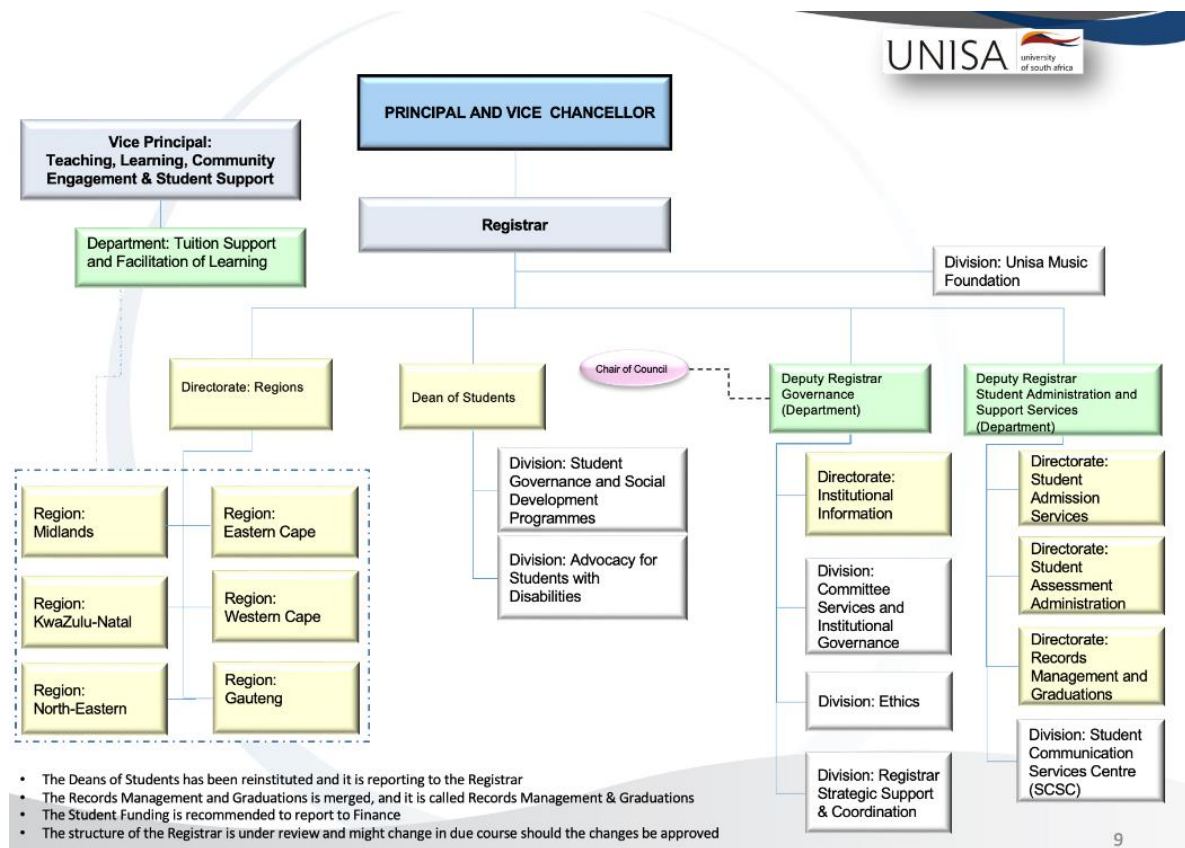
- a. The structure of the Office of the Registrar is explained in the Self-Evaluation Report <sup>13</sup> as consisting of two departments namely Deputy Registrar: Student Admissions and Systems Integration and Deputy Registrar: Governance. The portfolio further consists of 12 Directorates that include the 6 Regions (Eastern Cape, Gauteng, KwaZulu Natal, Midlands, North Eastern, Western Cape); Dean of Students; Institutional Governance Committee Services and Ethics Management; Institutional information; Music; Student Admissions and Registration; Student Assessment Administration. In addition, the following three Divisions are included namely: Graduations; Records Management; and Student Communication and Services Centre.
- b. The organogram below was submitted to me on 29 September 2022, with the proviso that the structure of the Office of the Registrar is under review. During the assessment it became very clear that there is a lot of uncertainty amongst staff about the actual status of the portfolio

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<sup>12</sup> The Office of the Registrar’s Self Evaluation Report, Feb 2022

<sup>13</sup> The Office of the Registrar’s Self Evaluation Report, Feb 2022

structure. I received conflicting information on the structure from different sources within the University.



- c. The Office of the Registrar, or Registrar's Portfolio, consists mainly of the following functions:
- i. Applications and Registration Services.
  - ii. Assessment Services – managing assessment-related support services including processes of assignments, examinations, invigilation, and student disciplinary code.
  - iii. Academic Support Services – Regional staff offering academic support services including library services, counselling, ICT and facilitation of learning through tutorials and academic literacies.
  - iv. Student Communication Services – including the Student Communication Service Centre (SCSS) responsible for attending to large volumes of student inquiries through different electronic platforms.
  - v. Students with Disabilities Services – provides support to students in respect of alternative study materials and special examination arrangements and other specialized services.

- vi. Student Development and Governance Services – Office of the Dean of Students responsible for supporting students in their development, governance, and the provision of core and extra-curricular programmes.
  - vii. Music related Services – offers Music examinations and related services, including international music competitions, concert series, and community music engagement activities.
  - viii. Regional Services – provide support in all areas above at the various regional offices.
- d. Institutional analysis of staff appointed in acting positions or as secondments found that the Office of the Registrar had the second highest number of staff (a total of 50), within a division, in acting and/or seconded positions<sup>14</sup>. Upon enquiring about the practice of acting appointments and secondments, it was evident that it was an institutional-wide practice that due to other HR-related delays it became the easiest way to deal with the high number of vacancies. This is discussed further under section 4.5.3.
- e. Furthermore, a total of 42 new positions are proposed in a revised organisational structure for the Office of the Registrar<sup>15</sup>. New positions combined with all the acting appointments and secondments are indicative of instability in terms of organisational structure that inevitably affect service delivery. A peer review of the Office of the Registrar (March 2022)<sup>16</sup> highlighted that the delays in the provisioning of services to students are because of several vacancies in the portfolio. There are vacancies in critical leadership positions, for example, the DoS position has been vacant for most of 2022 (discussed in the next section).
- f. In an interview with one of the staff members in Registrar’s portfolio the current situation in terms of staffing was summarised as follows: *“There are just too many acting positions. The stability I think has been compromised and sometimes you feel there is no support. The instability that has come about should not be there and with the lot of Acting staff you also have to work with people who do not have the necessary experience”*.
- g. **I therefore find** that the organisational structure of the Office of the Registrar is unstable with at least 50 staff in Acting appointments or Secondments. The temporary nature of these appointments impacts negatively on leadership, and decision-making in the execution of duties resulting in staff not taking full responsibility for their deliverables. Through the interviews, it became clear that poor consequence management and lack of accountability in various functions

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<sup>14</sup> Acting and Secondment Report, Dec 2022

<sup>15</sup> Restructuring Report 13 December, 2022

<sup>16</sup> Registrar’s Portfolio Review Report, 2022

of the Office of the Registrar were partly due to staff Acting or Seconded and in some instances vacancies.

- h. I recommend therefore that a) the organisational structure of the Office of the Registrar needs to be finalised and aligned with the strategic goals and plans for the institution as structure follows strategy; b) the practice of appointing staff acting and seconded must be stopped. Only with a clear rationale, motivation and explanation should an acting appointment or secondment be considered.; and c) all vacant positions should be advertised and permanently filled with competent staff that meets the minimum requirements for the positions in terms of qualifications and experience.

#### **4.3.2 The Dean of Students (DoS)**

- a. The DoS position was vacant for most of 2022. This position plays a key role in student governance and is the main interface between the institution and the SRC. In my interviews with the national and regional SRC, the students emphasised the importance for them to have a DoS in dealing with SRC matters.
- b. The purpose of the DoS position is to plan and provide strategic direction and oversee the implementation of student affairs and regional services, policies and strategies, and programs which serve and support students. The position DoS is strategically situated to be the central point from where services that are designed to amplify the possibility of students successfully navigating life and studies by creating enabling environment for student success as promised by UNISA's student service charter. Hence the position of the DoS needs to facilitate the University's agility attaining set year on year targets within reasonable means whilst ensuring student's comprehension of UNISA's operational model and thereby manage expectations. Furthermore, the DoS plays a critical role in terms of student governance and managing the SRC; and is said to promote students' psychosocial needs and develops globally networked student leadership<sup>17</sup>.
- c. Students complained profusely that there had not been a DoS for a prolonged period of time. As the assessment got underway, I learnt that the DoS was still employed at the University but had been seconded to the Obama-initiated Young African Leadership Initiative (YALI) based at the GSBL, from 1 March 2022 to 28 February 2023. The incumbent started at UNISA in 2015, as the Deputy Director at the Advocacy and Research Centre for Students with Disabilities (ARCSWID) Unit. Within a year, he started acting as DoS, when the current VC who was the DoS at the time left the University to take up a new position at another University. He indicated that he acted in

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<sup>17</sup> <https://www.unisa.ac.za/sites/corporate/default/About/Governance-&-management/Executive-management/Registrar:-Academic,-Enrolments-and-Administration/Dean-of-Students>

the position for a year and a half, and he then served as the Director of the YALI programme. He was appointed DoS in October 2020, but when problems arose with the YALI programme, he indicated that "Management asked him to continue overseeing that programme to enable the donor community to have some trust in the programme". I also got the impression that the Dean of Students was quite happy to be seconded to the YALI programme at the GSBL.

- d. The Registrar submitted proof of emails and submissions to Council of his concerns about the position being vacant and his attempts to appoint an acting person. In one of the submissions to Council and in his interview with me, he indicated that he attempted to appoint someone else to act into the position as per the provisions of the Delegation of Authority and accused the VC of frustrating his efforts. In February 2022, a recommendation for secondment appointment for the DoS was submitted to the VC for consideration and approval, but the submission was rejected with the following reason "*this recommendation is antithetical to the one-on-one deliberations with me on the 22nd of February 2022, where I proposed that a person holding a PhD, who understands the full cycle of academician and administration to be considered, and hence is not supported*". The Registrar argued that the recommended candidate had acted in that position before and understood the Deanery space well, and the appointment though temporary, was urgent. He then requested the Office of the VC to recommend a name of a person with the suitable qualifications and skills so he can appoint that person; but that was not forthcoming. In his submission of 15 October 2022 to SECoC, the Registrar also said "*Surprisingly, I am being asked all the time, on what the status is regarding the appointment of the Dean of Students on a matter that I responded to in writing*".
- e. In the same submission, the Registrar further says:
- "With no response from the VC and SRC elections approaching, I had no choice but to recall the Dr Sipuka to his substantive position as Dean of Students. The recalling process is in line with the council approved Acting/Secondment policy and delegation of authority. I notified ManCom of the recall and motivation thereof, but the VC refused to accept the submission and indicated that I should continue to appoint for two months but she failed to accept my recommendation and failed to furnish me with her preferred candidate. The two months is too little too late for a new person to be appointed."*
- f. Without getting into the arguments of who is right or wrong in this situation, or whether the YALI was more important than the provision of student deanery services, what I could not comprehend is how the position of this importance could be left vacant for so long. Where is the student-centredness in that? It is also not clear why Council appeared to have simply turned a blind eye on this dysfunctionality of such an important office.

- g. As early as March 2022, the external Peer Review Panel tasked with evaluating the Registrar's Portfolio<sup>18</sup>, noted that it is concerning that there is an absence of leadership in all directorates and divisions in the Office of the Registrar, but that they are "in particular concerned about the absence of leadership in strategic positions such as the Dean of Students and Deputy Directors in various departments under the Dean of Students".
- h. In my interviews with the SRC, it was stated that not having the DoS position filled, feels to them as a ploy to delay the election process, and that it is overall an indication of an institutional weakness in its processes. Another problem that was reported as a result of not having DoS in office, is that SRC efforts are not coordinated: *"Because there is no Dean of Students, the SRC members engage everybody, ranging from the CFO to the Registrar, which means that they grant approval for things that are sometimes out of policy which we are meant to implement. That contributes to the chaos that we experience"*.
- i. The Registrar himself, in my interview with him in early February 2023, confirmed that the incumbent returned to his position as DoS from 1 February 2023. Although this position is not vacant anymore, the fact that the position was not filled for 11 months, is unacceptable. The current SRC term comes to an end in March 2023 and there is a risk that the SRC election process is compromised, as explained below:
- "...the voters roll will have nonstudents voting because by February registration will not be concluded. This is a direct contravention of the Constitution and should students pick this up those who will lose elections may take the university to task"*.
- j. The fact that the position of DoS was vacant for 11 months is unacceptable. It creates a perception of carelessness as far as it relates to UNISA students and student governance. I recommend that there must be an institutional regulation or policy that includes a clause stating that the Dean of Student position may not be vacant and that there must always be someone appointed in the position, or during a transition period someone must be acting or seconded. It is in the interest of the students that this position must be filled at all times.

#### **4.3.3 The Regional Model**

- a. This section focuses on the organisational structure of the Office of the Registrar in terms of the geographical regions. As mentioned above, there are six (6) Regional Directorates that manage a total of 25 Regional Service Centres and Hubs across the nine Provinces in South Africa.

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<sup>18</sup> Registrar's Portfolio Review Report, 2022

- b. The enrolment figures presented earlier in the report (section 1.1) indicates a steady year on year increase in enrolments. Some of the regional centres each service more students than what some other universities have in total. Between 2015 and 2021, the number of students increased significantly, and in some regions tripled.
- c. The high number of students registered per region emphasises the need for fully functional Regional Service Centres and Hubs. Regional centres and hubs should provide a standardised service with the same level of efficiency and ability to solve problems on site, throughout the country. However, this is not the case. The Regional centres and hubs don't all offer the same services and in some of the smaller centres some of the student services are simply not available and students have to be referred to larger centres. In the Self-Evaluation Report of the Registrar's Portfolio, it is stated that:

*An in-depth scrutiny of the different Regions' standards revealed minor discrepancies in the application and in the intensity of application of standards across the Regions. Nevertheless, the Communities of Practice (CoPs) seek to bridge these discrepancies by keeping all Regional Service centres and regional staff apprised of new developments (p18).*

- d. It is reported that Council approved a revised regional model in 2018 and a multi-year implementation plan in 2019 for the new Regional Model. This new model aspires to transform the six regions into centres of academic excellence in line with the strategic direction of UNISA to enable regions to fully support the academic project. The model aims to integrate cognitive, affective, and systemic student support required for a holistic approach to regional student support. Decentralised services and delegation of authority are expected to improve access and turn-around time of stakeholder service delivery thereby replacing the referral system to main campus. The new Regional Model is designed to ensure a One-Stop service point where students and stakeholders can be served and assisted immediately.
- e. In terms of implementation, it is stated that in some areas good progress were made. The dissemination of most of the system functions in the applications and registration activities, have been largely achieved. However, issues around the location of Regional Directorates on the institutional organogram, agreement on the principle of decentralisation and business partnership within the institutional, finalisation of the Regional HR structures, impacted on implementation in other areas. It is reported that significant progress was made in more routine elements and very little progress in the more critical areas.
- f. In the Self Evaluation Report (p120), the following reasons for not fully implementing the Regional Model are given:



- i. The implementation process is a multi-year, time consuming activity and involves several portfolios.
  - ii. Although Council approved the new model that aims to enhance service delivery in 2019, the Regional Model could not be implemented without adequate delegation of authority in some service delivery departments. In addition, regions still need to get buy-in from their interdependencies, for example, Support Directorates.
  - iii. The new Regional Model has been tables since 2018, it is still pending final consultation with other prominent internal role-players such as the UNISA Bargaining Forum (UBF).
  - iv. Amongst the challenges experienced with implementing the Regional Model was the disruption caused by the Covid-19 pandemic, which delayed the implementation process. While the Portfolio was working on the Regional Implementation Plan to adjust the time frames, due to disruptions caused by Covid-19, the Monitoring and Evaluation Department was measuring the Portfolio against the approved time frames.
  - v. The impact of Covid-19 accelerated digital transformation and contributed to drastic changes to the UNISA operations and service delivery, including online assessment, provision of online academic support, and remote working (from home) – the 2019 approved model must be aligned with these changes/developments.
  - vi. Requests have been submitted to get approval to review the 2018 Council approved Regional Model. The aim is to align it with the 2030 UNISA Strategy and the VC's niche areas.
- g. Although it is understandable that Covid-19 had an impact on the implementation of the Regional Model, some of the other explanations above are questionable in that these issues should have been attended to prior to obtaining Council approval, for example, the delegation of authority, getting buy-in for the model, and issues of consultation with prominent internal role-players (i.e. UBF). It is concerning that Council approved this new Regional Model when these issues were not yet addressed.
- h. In the Peer Review Report <sup>19</sup>, it is stated that the Panel observed that Regional Directors don't have the authority to make decisions critical for regional operations. This was also amongst the concerns raised by the RSRCs. The Report recommended that Regional Directors and Managers be empowered with authority to make decisions that will promote the implementation of the strategic focus areas in an agile manner.

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<sup>19</sup> Registrar's Portfolio Review Report, 2022

- i. It became clear in the interviews with staff and regional SRC students that there are a lot of frustration related to the status of the regional model. Staff reported that some regional offices are understaffed, and that critical positions such as tutorial administrators were made redundant. The current regional offices in terms of structure, are not fit for purpose:

*“This week, our revised regional model was submitted where very important positions like the tutorial administrator position were made redundant. Why do they not consult us? The regional directors have worked together on this model over the past months, and important things like redundant positions were not shared with us – you cannot have redundant positions but the positions that they are reporting to remain unaffected. We must ensure effective administrative support for students, because we cannot work in silos – we can do so much more to offer a holistic service for students, and I think we are doing a lot of damage with our fights for turf.*

*There was a drive to make the regions centres of academic excellence, but you cannot expect that if you don't focus and support the admin functions. The structure is not fit for purpose. I think they continue to focus on the academic side of the work but overlook the importance of the support functions that are crucial to supporting students in a holistic fashion”.*

- j. Not having the Regional Model implemented directly affects service delivery to students as all academic support services, including library services, counselling, ICT and facilitation of learning through tutorials and academic literacies are offered in the regional offices. During the interviews, students and staff reported to me the appalling state of some of the regional centres:

*“In relation to Makhado, there is a corrupt history. Makhado, you see this room alone, and that room together, it is a centre that must cater for 5 000. They cater also for students in Messina and Zimbabwe, but it can't do that. If you go there – and I hope you find time to visit there – you will see that there is a toilet and this is the office, you can hear if somebody flushes the toilet. It is bad. I do not blame the staff in Makhado, they are trying to work with whatever they have. They have taken a pipeline room, and made it a disability unit, they tried to cater for students with disabilities. Even the computers there are not suitable for people who are disabled, but they are trying by all means to work with what they have. The process to identify a new building is now nearing 10 years. We asked the simple question that they are really saying they cannot find a simple building in Makhado, and they say that there is no suitable building. We asked for those reports, which were not forthcoming, so we went to court.”*

*“Service is slow. UNISA Polokwane is the only functional centre in Limpopo, Giyani is trying, but they are slow. There are two buildings – the admin block and the library and study areas. Most people are frustrated because they don't know which building to go to, and there are two gates, they don't know which entrance to use. There is no clear communication for students who visit only irregularly to know where they must go. The admin and reception is the key problem; people*

*can go to UNISA endlessly until one gives them a person to contact. It is becoming a thing of if you don't know an SRC member, you might have to go to UNISA several time, which is difficult for people from the remote villages”.*

*“In Kimberley our campus is in the mall, which gets very busy at certain times.”*

*“In Kimberley, the hub is in the mall, and the lifts giving access is also used by the public, and the one in Kroonstad is shared with the police station – it is the same building, people are coming to report their things and you must study right here. In Rustenburg the library and computer labs are nice, but I would not say the same about Mahikeng, Kroonstad or Kimberley. Potch is nice, it is out of the CBD, it offers a conducive environment.”*

*“The building in Mthatha is rented from Provincial Public Works. That building was not designed to be a learning and teaching environment. We have had challenges with the building, including ablution facilities. The university took it upon themselves to spend a lot of money to get the building in an acceptable condition.”*

*“We have three campuses in the Eastern Cape. There is not much to say about the PE and EL campuses, but Mthatha is not user friendly for disabled people. EL is the hub. The basement of the building is sometimes closed when it was raining, when it gets wet. The building was under construction not so long ago.”*

- k. The Regional Model is not fully implemented and it seems like there was no proper consultation or change management and engagement prior to submitting the proposal to Council for approval. Without these steps followed in the beginning of the process, it is very difficult to get the necessary buy-in and support to implement the model. It is however critical that the Regional Model be implemented, staff must be empowered, and regional centres must be equipped and enabled to deliver quality and standardised services to all students and other stakeholders.

#### **4.3.4 Policies and Student Rules**

- a. At the centre of all universities is the position and role of the Registrar, and the Registrar’s Office. This Office is unanimous with institutional governance and acts as the custodian of institutional policies and procedures. All institutional decisions must be aligned to existing policies and governance structures, or where necessary, amendments to policies should be made and approved to accommodate changes in processes. It is essential that institutional policies and rules be reviewed regularly to ensure that they align to the best governance principles and practices<sup>20</sup>. It is in other words the responsibility of the Office of the Registrar to ensure that policies, rules

<sup>20</sup> Lawson-Misra, N. et al. (2022) A Registrar's Handbook

and regulations are relevant, applicable and up to date. Refer to section. 4.4.1.1 for further analysis of UNISA's policies.

- b. The Ministerial Task Team (MTT Report point 25.5.6) reported that UNISA's policies and procedures have not been upheld and/or have been abused in some instances. From my analysis of student related policies, I can confirm that most of the policies have not been updated in years.
- c. Administrative justice is the branch of law that requires public institutions and officials (as well as private institutions performing public functions) to adhere to due process and principles when making administrative decisions, or taking administrative actions.
- d. The table below lists only a few policies that are directly or indirectly related to the Office of Registrar and indicate the date that the policy was last updated or approved. It is worth noting that not all these policies are available on the website. Some were only included in the submission made to me by the University Management when I requested for all institutional policies.

<b>Policy:</b>	<b>Last Update &amp; Comments</b>
<b>Admission Policy</b>	Last update: 2011 Available on the website for students to access. The policy still refers to the UNISA 2015 Strategic Plan.
<b>Students' Disciplinary Code</b>	Last update: 2014 Available on the website for students to access under Student policies and rules.
<b>Assessment Policy</b>	Last update: 2019 Not available on the UNISA website. This policy should have been adapted and updated post-Covid with all assessments changing to online assessments.
<b>Language Policy</b>	Last update: 2016 Available on the website for students to access under Master's and doctoral degrees. In the court case Chairperson of the Council of UNISA v AfriForum NPC, the South African Constitutional Court struck down the policy, adopted by UNISA in 2016, to phase out Afrikaans, and effectively make English the sole medium of instruction. In its judgement, it gave UNISA until the 2023 academic year to gather the necessary findings and devise a plan that complies with all the "constitutional and legal precepts". After the Supreme Court Judgement in 2020, there should have adjustments made to the policy. Although I found reference to progress on the new Language Policy in the ASACoC minutes and that the new policy is recommended to Council for approval in 2023, technically the policy should have been ready for the 2023 academic year. It would have been ideal to post a note or reference on the website stating that the current policy is under review for approval in 2023.
<b>Data Privacy Policy</b>	Last update: 2015

	Not available on the website. Most institutions updated their data privacy and related policies when the Protection of Personal Information Act (POPIA) came into effect.
<b>Policy on Sending SMSs and Emails to Students</b>	Last updated: 2012 Not available on the website. This policy should have been updated to include new ways, platforms and systems used to communicate with students.
<b>Records Management Policy</b>	Last updated: 2007 Not available on the website. The Registrar is the custodian of student data and must ensure the security, integrity and timeous disposal of data. How can this policy still be valid and relevant when it was last updated 15 years ago?
<b>Policy on for Copyright Infringement and Plagiarism</b>	Last Updated: 2005 Available to students on the website. With new technology and methodologies the policy should have been updated accordingly.

- e. As can be seen, many policies are outdated and urgently need to be reviewed. From a student experience perspective, to find the policies on the website is complicated and one must click through many different pages to access the policies. There does not seem to be a process or protocol in place to manage the periodic review of policies. This is contrary to the Policy on Rules Formulation, that was last updated in 2005 wherein it is that “The changes and transformation within the Institution require a continual review of policies/rules, as and when required, but at least once a year, in order to ensure that such policies/rules remain applicable”. Obviously, this is not being done at UNISA as many policies were not up to date and in some cases no more relevant.
- f. Apart from urgently updating relevant policies, the Registrar’s Office should critically engage with all existing policies and identify contradictions and areas of noncompliance. The policies available on the UNISA website need to be better organised and it should be easy for students to find and navigate to different policies. There needs to be a process and protocol in place to manage the periodic reassessment and review of policies to ensure that they are relevant and applicable in an ever-changing institutional environment in line with the Policy on Rules Formulation.

#### **4.3.5 Student Rules 2022/2023**

- a. One of the few up to date documents on the website, was the Student Rules 2022/2023. This is of critical importance because the act of registration binds a student automatically to the Student Rules. The student rules state that *“these rules must be read together with the applicable UNISA policies, which have the same force and effect as these rules. The relevant policies are available on the UNISA website. The rules published here, and related policies may be amended prior to the commencement of the following academic year.”*

- b. A serious concern, therefore, is that the Student Rules refer students to the relevant policies on the website, but as indicated above, the policies, in many instances, are not updated and in other instances are simply not available on the website for students to access.
- c. The Student Rules further makes it clear that when a student registers with UNISA, the student:
  - i. acknowledges an awareness of the prevalent rules of the university; and
  - ii. undertakes to be bound and abide by the rules of the institution.

## Unisa rules for students

### Introduction

The content of this section is defined by the legislation and regulations set out in the Higher Education Act, 1997 (as amended). Where provision is made for institutional discretion, the Unisa rules are subject to approval by Council and / or Senate (as appropriate), except where expressly recorded to the contrary. These rules represent the general rules of the university and apply to all Unisa students. These rules must be read together with the applicable Unisa policies, which have the same force and effect as these rules. The relevant policies are available on the Unisa website. The rules published here and related policies may be amended prior to the commencement of the following academic year.

In addition to these general rules, there may be specific rules per college and / or qualification. They will be expressly stated in the information pertaining to the college and / or qualification or in the relevant tutorial letters, all of which are available to registered students online. Where the rules of a college make provision for special requirements with regard to registration for a module offered in the college, the requirements will apply equally where the module is taken in another college or for non-degree purposes, unless expressly stated to the contrary.

Master's and Doctoral students are referred to the [Procedures for Master's and Doctoral degrees](#) which relates to processes and procedures w.r.t the research proposal and research components, i.e., mini-dissertation, dissertation and thesis.

When a student registers with Unisa, the student

- a) acknowledges an awareness of the prevalent rules of the university; and
- b) undertakes to be bound and abide by the rules of the institution.

The student bears the onus of ensuring that he or she is familiar with the rules pertinent to his or her registration with Unisa. Ignorance of these rules and related institutional policies will not be accepted as an excuse for any transgression.

[https://www.UNISA.ac.za/static/corporate\\_web/Content/Register%20to%20study%20through%20UNISA/Documents/UNISA\\_2022-2023\\_rules\\_for\\_students.pdf](https://www.UNISA.ac.za/static/corporate_web/Content/Register%20to%20study%20through%20UNISA/Documents/UNISA_2022-2023_rules_for_students.pdf)

- d. The student bears the onus of ensuring that he or she is familiar with the Student Rules pertinent to his or her registration with UNISA. Ignorance of these rules and related institutional policies will not be accepted as an excuse for any transgression. This implied compliance to the rules at the point of registration is in principle not wrong, most institutions indicate that by registering at the institution, a student is bound to the rules and regulations of the institution.
- e. What I found very concerning is that at least one of the Student Rules contain conditions that students may not have realised they are agreeing to. For example, under point 18 in the current Student Rules 2022/2023 is the following stated:

## 18 Admission to the summative examinations

18.1 By signing the application for registration, a student undertakes, inter alia, to do his/her examinations online and to provide the necessary equipment for this purpose, i.e. a computer or laptop, including provision of data and internet access. The use of other devices (cellphone or tablets) for online assessment is discouraged as the University will not be liable for any challenges with these devices.

- f. In other words, all students agree that they have the necessary equipment (computer or laptop) as well as data for online examinations. During my interviews with students, access to computers and access to data were reoccurring issues and seen as two of their biggest challenges they face as students of UNISA. By simply including this condition under a seemingly unrelated point about 'Admission to the summative examinations' in the Student Rules, seems not only insensitive towards the students, but malicious on the part of UNISA. I was able to find a copy of the 2021 and 2020 student rules, and since 2021 this condition is included under the item on 'Admission to summative examinations' in the Student Rules.
- g. Although, UNISA clearly wants to move in a direction of online education. It should be a phased strategy where the key stakeholder (the students) is fully aware, supportive and inherently part of the strategy. It must be considered that UNISA serves the most diverse group of students in this country, including very impoverished students that are not able to afford to study at any other university.
- h. In my opinion, this is a very serious matter that needs to be widely consulted and mechanisms must be put in place to support students that don't have access to computers and/or data. The Student Rules document is silent on what provision the institution is making to support these students as far as it relates to the devices or data that students need.
- i. Upon investigating the matter further, I found another outdated policy on the Provision of e-Devices for e-Learning at UNISA (last updated in 2018). In the policy Preamble it is stated that:
- UNISA's character requires that meaningful effort should be made to support students in their learning processes and thus affording them the necessary means and support to succeed in an increasingly technologically enhanced learning environment.*
- j. The purpose of the policy highlights that it is:
- (1) To affirm the need to support our students with access to digital technology devices such as laptops and assistive devices to access MyUnisa (the UNISA e-classroom) from any location in line with the institution's ODeL character.*
- (2) To define the modalities for the provision of access to and use of such devices, with data and support.*

*(3) To aid UNISA in its efforts aimed at increasing student success and optimizing student graduateness.*

- k. Under the Scope of Policy, is stated that UNISA will not provide the devices but rather facilitate channels for students to have access to the electronic devices and further put in place processes and procedures to ensure connectivity and support to students.
- l. Lastly listed under the Principles Guiding the Policy are two very important commitments that UNISA should make:
- UNISA will engage with service providers in the context of the latest developments such as reverse billing to ensure that data costs are not a barrier to students. (par 6.2)
  - UNISA will seek to facilitate access to e-Devices for its poor and middle-class students through State and private grants, loans, bursaries and scholarships. (par 6.16)
- m. The policy above states in no uncertain terms that UNISA has some responsibilities as far as it relates to student devices and data. It is clear that UNISA should make a meaningful effort to support students with access to digital technology devices as well as to ensure that data costs are not a barrier to students' learning.
- n. In light of the policy, one would think that UNISA would make a serious effort to firstly create awareness about the recent requirement for students to have their own devices, and secondly that UNISA would proactively offer support for students as far as it relates to devices and data. But rather, UNISA simply adds the requirement that students must have the necessary equipment and data to write their examinations online, in the Student Rules, hidden under an item on admission to the summative examinations. In this instance, it seems like UNISA abdicated its responsibility and shifted the onus on to the students.
- o. I reviewed the UNISA website from a new applicant's perspective and could find on only two pages with some information about the requirement for students to have access to a computer and the internet. It should be noted that even here it is not explicitly stated as a requirement when wanting to study at UNISA.



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## Undergraduate qualifications



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### Are you ready to study at Unisa?

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## Studying through Unisa and open distance e-learning is a BIG commitment.

You need to be sure that you are right for Unisa and that Unisa is right for you! To be a successful Unisa student, you need to understand what you are getting yourself into:

- You won't attend lectures, which means that you will be expected to do a lot of reading and writing on your own.
- You must be able to draw up a study schedule and stick to it, so that you can submit assignments on time and be prepared for your examinations.
- **You must have access to a computer and the internet, and be familiar with working on a computer.**

**Are you ready for Unisa?** Even if you know that Unisa is the right university for you, try our [open distance e-learning readiness tool](#) to find out more about the university and how open distance e-learning works.

<https://www.UNISA.ac.za/sites/corporate/default/Apply-for-admission/Undergraduate-qualifications/ODL-and-UNISA/Try-the-readiness-tool-to-find-out-if-you%27re-ready-for-ODL>

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## Undergraduate qualifications



## ODeL is a different way of learning

ODeL is a different way of learning... there is a physical distance between you and your university. For most of us, this means that our previous learning experiences will not have prepared us for the Unisa study journey. In open distance e-learning, YOU are responsible for planning your studies and managing your time effectively. You don't attend daily lectures. You learn from a distance and you connect to the university mostly via the internet. If you completed your previous qualifications at a residential institution, it is especially important that you think about the adjustments you need to make to be a successful Unisa student.

But this doesn't mean that you are on your own. Unisa has several support services for our students - from tutorial support and counselling, to online tools. The "distance" in open distance e-learning means that most of your interactions with Unisa will take place at a distance - mostly in digital format.

### Your study material

Your study material will consist of written content, whether on paper (eg prescribed books or textbooks) or online (eg myUnisa), instead of listening to a teacher or lecturer in a classroom. In some instances, Unisa provides access to computers and the internet at our regional offices and other partner organisations, but you should have your own computer and access to the internet.

### Your study world

The best way to cope with open distance e-learning is to take full responsibility for your own learning experience and environment. Your study world will be the environment you create - a room at home, a desk somewhere at work and, of course, the connections you make and the virtual networks you develop.

### Your time

You will also need to remind your friends, family and work colleagues that your studies demand a lot from you, because they will probably forget that you are studying and make demands on your time.

<https://www.UNISA.ac.za/sites/corporate/default/Apply-for-admission/Undergraduate-qualifications/ODL-and-UNISA/ODL-is-a-different-way-of-learning>

- p. In my discussions with current students, it was evident that students still experience major difficulties with access to data. For example:

*"One issue that we always have a problem with is the availability of data. If you study in an online institution, the question of data is central to the education that you receive. We should have been given data long ago. They agreed to give us data, but we only get it in May and June, but how must we do assignments in the earlier months when we must do quizzes and assignments. We no longer have paper assignments to upload quickly – we must literally be on the system working on the laptop".*

- g. In another interview with a student, when asked what is meant by saying the University went online, the response was: *“It means assignments, tests, exams, assessment, everything. In the past people could write exams with pen on paper, at a church hall or centre close to their villages. We understood during COVID that there was a need for online, but COVID is over now. Our students are poor and from the villages, the university is failing to provide laptops and data, how can we go online?”*.
- r. For an institution that proclaims “our students are the most important stakeholders in the university and are at the centre of our mandate” one would expect more support, awareness and kind consideration for the needs of their students.
- s. UNISA changed to online examinations and assessments in response to Covid-19. This was a necessary change considering lockdown and in the interest of ensuring academic continuity. However, this is a fundamental change in the way UNISA teaches and assess students. From my perspective there is a lack of creating awareness and no visible change management around the requirement that students need to have devices and data to study at UNISA. New applicants might not be aware of this requirement until after registration, where they are already bound by the Student Rules. To include the requirement under the Student Rules without the necessary communication to students is insensitive and appears malicious. UNISA is also not compliant with their own policy in not making a meaningful effort to support students with access to digital technology devices as well as to ensure that data costs are not a barrier to students.
- t. In light of the above, I recommend that there should be a visible campaign and process of creating awareness about the requirement to have both a device and data when studying at UNISA. UNISA needs to update the relevant policies and also comply with the Policy on Provision of e-Devices for e-Learning at UNISA, in terms of the commitments made related to (1) engaging with service providers in the context of the latest developments such as reverse billing to ensure that data costs are not a barrier to students, and (2) seek to facilitate access to e-Devices for its poor and middle-class students through state and private grants, loans, bursaries and scholarships. From my assessment, it is clear that students still need a lot of support in terms of accessing devices and data, and without these students are only being set up for failure, as they would not be able to write examinations or submit assignments.

#### 4.3.6 Student Services

a. This section focusses on the overall service delivery to students or student services in general; and will be followed by observations on specific issues related to registration and other student administrative functions.

b. During the ASACoC meeting of 2 November 2022, the VC reported the following on student-centredness:

*Although the university remains resilient, our academic and student support services still face several challenges. Such challenges require a system rethink and reboot. To this end, Council adopted the new IT Strategy which seeks to respond to the myriad of challenges that relate to academic administration and student support as highlighted in the various internal and external reports of the university. The priority of Management is the rollout of the strategy within a short period of time and the recruitment of suitable human resources to improve capacity. Through the method of Joint Operations Committees (JOCs), we are able to identify existing inefficiencies and try to remedy them within a short space of time. And yet at the same time, we have a clear mandate from Council to institute consequences management where responsible managers are found to have neglected their responsibilities.*

c. Students and staff alike expressed their dissatisfaction with the poor level of student services and in some instance a complete absence of student services. One submission pointed me to social media and stated that one only needs to review the feedback comments from current students on the poor management of related matters from certificates to student registration. The submission stated that "You only need to look at social media, which is rife with complaints, to understand how the reputation of UNISA is greatly under question as a consequence of the incompetency of this department. The office of the Registrar is said to be famous for "never taking phone calls," "never responding to emails," and "never providing information".

d. Another submission from a student described the situation as follows:

*"Firstly, many of us students experience incredibly bad admin. When we try to contact general phone numbers or email addresses, these tend to go unanswered...I once sent an email that only got an automatic reply a month later. When we need to contact the institution with poor response times, and when campuses are being shut down by strikers (which seems to happen during critical times like registration season), it feels as if we have no chance of finding a solution".*

e. The submissions above are from different stakeholders (staff and students), but the message is the same. UNISA has a problem when it comes to the delivery of efficient and effective quality services to students. Bearing in mind that 'students' are the key stakeholder of a university, their dissatisfaction is a critical issue that directly threatens the mandate and purpose of an institution.

- f. Student Satisfaction Surveys are generally used to measure the level of satisfaction students experience in different aspects of the student journey. It is stated that UNISA has been conducting student satisfaction surveys since 2005 and that the surveys serve as a strategic management tool to improve student services and experiences at the university. The UNISA 2021 Student Satisfaction Survey (Wave 1)<sup>21</sup> focussed on the application and registration phases of the student journey, and the results of the survey highlighted serious dissatisfaction of students with services in these areas. The survey results are presented on a scale of 0 to 100, where an average index score below 60 points is regarded as substandard, while an average index score of above 75 points is regarded as the bare minimum for a 'respectable' score.
- g. The overall General UNISA Student Satisfaction Index score for 2021 academic year was 55.64 points, which according to the UNISA index scale explained above, is substandard and far below the 75 points of a respectable score. In more detail the scores are as follows:

Criteria	Index Score
UNISA as a university	51.45
Your College	54.34
Qualification for which you are currently registered	61.23
<b>Combined Index Score</b>	<b>55.64</b>

- h. The Student Satisfaction Survey Report (UNISA, 2021) listed all areas that scored less than 50 points, where most of the respondents viewed the particular service as sub-standard. What is interesting is that the table below, only list services below and index score of 50, and not below an index score of 60 i.e. their own benchmark for substandard service, as explained above.

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<sup>21</sup> Student Satisfaction Survey 2021




- i. In short, the services listed above are all key services that students depend on during the application and registration phases at university. The survey report included some qualitative comments from students:
- *“I am so confused about how to check if I have the modules that I need for my qualification. I CANNOT go to the UNISA campus because of how much I work and how far it is.”*
  - *“I wish I could email someone and ask them to look at my student number and tell me if I chose the correct modules to complete my qualification this year but got no help, was only always given links to the UNISA sites which were not helpful because of the weird curriculum changes that were made.”*
  - *“It would be nice if we received an email or a call or something to check how things are going once a semester. Or to ask us if we have any questions. I still don’t know if I chose the correct modules this year as my last year of studying.”*
  - *“Exam dates not published timeously – especially for working students.”*
- j. The Student Satisfaction Survey 2021 Report concluded with the recommendation that UNISA must develop improvement plans as a matter of urgency for all items with an index score below 60 as well as attending to all items between 60-74 as these are also considered substandard. It was recommended that the findings of the survey be widely disseminated throughout the institution to allow for the development of improvement plans.

- k. If the Student Satisfaction Survey results are indeed used by UNISA as 'a strategic management tool to improve student services and experiences for the university' then there should have been a concerted effort made to attend to these issues. One would expect that if indeed the survey results are taken seriously and given the necessary attention, a remarkable difference in service delivery should have been observed by 2023. However, on the contrary, the 2023 registration period was marked with criticism and student complaints.
- l. The Daily Maverick published an article on students' registration woes on the 14<sup>th</sup> of February 2023.

DAILY MAVERICK  
DEFEND TRUTH

**CAMPUS STRIFE**

**Trying to register with Unisa is a 'nightmare', say many students**



■ The University of South Africa building in Pretoria. (Photo: Gadi Bragan / Alot Pretoria)

By Almaswe Lusengo Follow 14 Feb 2023 2

University of South Africa students say they are struggling to register and battling to get support from the institution's administration. There are reports of several obstacles standing in the way of students. Daily Maverick spent 31 minutes on the student call centre line, but there was no response.

Listen to this article  
0:00 / 8:06

**A**fter I tried to contact them several times, they finally got back to me after I posted a tweet. So I guess Twitter has a thing of getting organisations to respond faster than they traditionally would," a post-graduate Sociology Honours student at the University of South Africa told *Daily Maverick*.

The student is among many learners who have struggled with the registration process this year.

Unisa registration opened on 9 January. The academic year is set to begin this week, with orientation on 16 February. The student, who requested that her full identify be withheld from publication amid concerns of being harassed, completed her registration on the day it opened. She paid her fees and although Unisa confirmed having received payment, her proof of registration did not arrive.

"I waited for my proof of registration, which didn't come through. This frustrated me because I'd already selected the modules that I would be doing this year.

<https://www.dailymaverick.co.za/article/2023-02-14-trying-to-register-with-UNISA-is-a-nightmare-say-many-students/>

In response to the Daily Maverick article, UNISA issued a formal statement on its website and on Twitter, on 22 February 2023:

The University of South Africa (UNISA) has taken note of an article published on the Daily Maverick online platform on 14 February 2023 titled "Trying to register with UNISA is a nightmare, say many students". We have also noted with dismay that whilst the heading of the article suggests the existence of a pervasive problem, it went on to state only three examples to prove this narrative.

It is the considered view of the university that our stakeholders deserve to know the correct and informed perspective on the issues raised in the article, including a clear explanation of the university admissions processes.

As a point of departure, UNISA wishes to reaffirm its stance that our students are the most important stakeholders in the university and are at the centre of our mandate. ALL concerns and enquiries raised by our students are regarded as critical and worthy of immediate attention. To this end, we wish to highlight the following areas: ....

<https://twitter.com/UNISA/status/1628335088382402560?s=20>

The statement then proceeded with a detailed explanation on the administrative processes.

- m. The narrative and tone of the statement is in general dismissive of the reported issues and just created another opportunity for students to claim the contrary and state their case. These are just some of the comments of the 53 comments on Twitter (date 01.03.2023):



<https://twitter.com/UNISA/status/1628335088382402560>

- n. UNISA claims that students are the most important stakeholder and that they are at the centre of the University's mandate. As far as it relates to the overall delivery of services to students, it is my observation that this is not the case. The Student Survey Results (2021) raised serious red flags and students' comments; and submissions from staff supports this. If UNISA indeed considered students as their key stakeholder, the focus should be on improving service delivery in general. The current status of student service delivery is still substandard. UNISA needs to urgently implement improvement plans to attend to the findings and recommendations of the Students Satisfaction Survey results. UNISA must respond to the needs of students as their key stakeholder and strive to not only provide satisfactory services, but in fact strive for excellent student services.

#### 4.3.7 Application And Registration Services

- a. The application, admission, and registration processes at universities are usually functions that attract many complaints. It is in the nature of the work when some applicants are admitted, and some are not admitted. In many instances students that are not successful and not admitted (due to various reasons), are aggrieved. Likewise, the registration process is generally linked to a financial payment and registration can only be completed after the payment. If there are any issues with processing payment, or issues with bursaries and funding, the registration process is delayed and impacts negatively on students.
- b. I have many years of experience in dealing with these functions and am familiar with the typical issues and problems students encounter during application, admission, and registration processes. However, it is exactly because of my vast experience that I can differentiate between general problems that all institutions face and more systemic institutional-specific problems and issues.
- c. UNISA is the largest public institution in South Africa. It is reported that UNISA receives around a million applications per semester, in other words, twice a year. For an institution to process this



number of applications, there must be excellent, reliable and efficient systems in place. Furthermore, there must be enough staff to attend to applicants and student enquiries and specialised staff to ensure that the admission processes are according to the Senate-approved requirements, rules and regulations.

- d. Some of the complaints submitted to me on application and admission processes had to do with late communication from UNISA on final admission. One submission explained the issue as follows: *“It was clear to me that students are saying that the problems are with applications, when they apply, they are only told in March whether they are accepted or not – this is too late for those who have been accepted to start with classes and for those who are rejected, so they can find an alternative. These people must know in January what the situation around applications is”.*
- e. It should be noted that this is an issue that most institutions deal with in the time leading up to the registration period. Because some applicants may have forfeited their provisional admission and in some instances applicants do not accept their offers or decide to rather study elsewhere, there are sometimes additional capacity or places become available in certain programmes where more students can be admitted. Although this is not desirable it is in some instances, not avoidable, and a typical practice at most institutions during the registration period.
- f. A serious concern is that UNISA accepts applications from prospective students into programmes that are already full. UNISA reports that for the 2023 academic year, 958 517 application choices were received, and from these, 226 786 offers were made to qualifying students. On the UNISA website it is stated that applicants may only apply for a maximum of two choices. Thus, the number of applications or persons that applied and paid the application fee, is around 480 000. In other words, only about 50% of applicants are admitted.
- g. All applicants are required to pay a once-off non-refundable application fee of R125.00 for their applications to be processed. The UNISA website states the following on the application fee:

This fee is non-refundable even if you decide not to study through UNISA, do not qualify for admission to UNISA or cannot be offered a space due to limited spaces available. **UNISA does not accept cash at any of its offices.**

**The due date for the application fee is the closing date for the application period.** Any application submitted without an application fee paid on time will not be processed. Please ensure that you keep a copy of your proof of payment. <https://www.UNISA.ac.za/sites/corporate/default/Apply-for-admission/Undergraduate-qualifications/Apply-for-admission>

- h. During my interviews, and in some of the submissions, it was suggested that UNISA consider closing applications for programmes that have reached its capacity. This would significantly alleviate pressure on the admission system and staff. A staff member explained: *“During*

*application time we received too many applications, which causes some qualifications to become over-subscribed. It doesn't make sense to continue taking applications and we proposed two years ago that we should close applications for those qualifications once they are full, and we were told we cannot close applications".*

- i. One submission stated: *"When applications are made to universities, whether a person qualifies or not, a lot of money is made. If 500 000 apply for entry to an institution, that is a lot of money. I'm not sure what system allows people to be admitted into UNISA. If the administration is anything to go by, it is possible that people could probably be allowed into the institution incorrectly".*
- j. In principle, applications are subjected to a selection process, and this is explained in that admission is not guaranteed. Applying is therefore seen as a reasonable risk that all applicants take when submitting their applications. However, when it is known to the institution that a programme is full, and the institution still allows applicants to submit applications and pay the application fee, is it not considered an unethical practice?

#### What does the selection process entail?

- At the heart of the **selection process is a calculation of your individual points score**, which takes into account your final Grade 12 marks and other key factors such as the school you attended, and your gender, socio-economic group, race, and so on.
- Before submitting an application, please check whether you meet the statutory and college-specific admission requirements, *and* the required academics points score (APS) for your chosen qualification(s). The minimum APS score differs from college to college, and from qualification to qualification. Please refer to each qualification for the admission requirements.
- It is important to note that you will not automatically be accepted to study through Unisa in 2023. **Students will be accommodated on the basis of the number of spaces available for each qualification.**

#### The application process

- You may apply for a **maximum of two qualifications**, ranked in order of preference (although you may only register for one should both of your qualifications be successful).
- **Unisa will inform you of the outcome of your application.** If successful, Unisa will indicate for which qualification you have been accepted and will offer you a space for the period for which you have applied (eg semester 1).
- You must **accept or decline Unisa's offer** within the prescribed period of time. If you miss this deadline, Unisa will withdraw the offer and give your space to another applicant.
- **First-time applicants to Unisa** will be required to complete the **First-Year Experience MOOC** (massive open online course) before being able to accept Unisa's offer.
- **You may only accept one offer.** This means that when you accept an offer for one qualification (irrespective of whether it is your first or second qualification of choice), the other offer will automatically fall away.
- If you accept Unisa's offer, you must **register for the period for which you have been granted admission.** Should you not register for the relevant semester of study, you will need to re-apply for admission during the next application period.

<https://www.UNISA.ac.za/sites/corporate/default/Apply-for-admission/Undergraduate-qualifications/What%27s-new-for-2023>

- k. In conclusion, UNISA accepts applications and application fees from applicants that apply into programmes that are full and have reached its capacity in terms of admissions. These applications are then unsuccessful based on limited capacity. UNISA should close applications

for programmes that are full not allowing more applicants to apply and pay application fees for these programmes.

#### **4.3.8 Enrolment Management**

- a. Enrolment management is about strategically and proactively managing and planning the application, admission, and registrations processes to meet specific enrolment targets. It involves, amongst others, statistically calculating the number of admissions needed to ensure a specific number of registrations or enrolments (realisation rates).
- b. Universities submit enrolment plans to the Department of Higher Education and Training, for approval. Once approved, funding is awarded in line with the enrolment plans and institutions are bound to comply with the enrolment targets in their plans (with a 2% deviation allowance), otherwise charged with financial penalties.
- c. One submission indicated that since 2016, UNISA's approved enrolment targets have not been met, resulting in huge financial penalties imposed on UNISA. Another submission indicated the cost of the penalties due to under- and/or over-enrolments since 2016 amounted to R186 million.
- d. During an interview, it was stated that:

*"You should note that we were in front of the Ministerial Committee because of over-enrolments. We cannot manage this space, not because of a lack of trying, just that the material conditions on the ground are such that you cannot expect UNISA to report on enrolments like a 14 000 student unit. The complications we have around registration hinges on how soon students receive NSFAS funding, meaning that we have a large number of provisional registrations. You might think you have a 100 000 students on provisional registration, but when you re-assess you find that the students have taken other offers, or not paid their registration fees..."*

- e. Although I acknowledge that UNISA is much larger than other universities in the country, the issues are the same for all institutions. All public institutions are affected by NSFAS and funding issues that impact on registrations. But through proactive enrolment management it is possible to manage student numbers and ensure registrations remain within the 2% deviation allowance. This, however, requires institutional commitment and staff dedicated to managing enrolments with the necessary systems in place to support the entire process. Given the significant financial penalties UNISA is paying for not meeting their enrolment targets, establishing an enrolment office should be a priority.
- f. In the last five years, UNISA had to pay R186 million in penalties for not meeting their set enrolment targets. The fact that it is an annual reoccurrence is indicative of poor or no enrolment management on an institutional level and that the admission and registration processes are not

proactively managed. UNISA should establish an institutional Enrolment Management capability that takes responsibility for meeting enrolment targets within the 2% deviation. The capability should be mandated to oversee and centrally manage applications, admissions, and registrations, working in collaboration with the Academic Colleges.

#### **4.3.9 Registration Issues**

- a. This section deals with issues and problems students and staff experience related to registrations.
- b. The registration period at universities is commonly referred to as the peak period. This is because institutions need to ensure that thousands of students comply with various administrative, academic and financial requirements in order to register or enrol at the institution in a short period of time. Hence, institutions need to ensure that the necessary infrastructure in terms of systems, staff and contact centres are in place to support the registration process.
- c. The online article published by the Daily Maverick on the 14<sup>th</sup> of February 2023, stated that 'students say they are struggling to register and battling to get support from the institution's administration. There are reports of several obstacles standing in the way of students. Daily Maverick claims to have spent 31 minutes on the student call centre line, but there was no response'.
- d. One interviewee explained that UNISA has only four weeks to register about 380 000 students, placing the administrative offices under a lot of pressure. The person further stated that sometimes the registration period is extended to accommodate students that are struggling with funding and bursaries, however extending the registration period has an adverse effect on the academic calendar in shortening the semester and lessening the teaching time.
- e. The decision to extend the registration period to meet enrolment targets, thereby cutting on academic time is a difficult situation to manage and a decision that cannot be taken lightly. As a priority, institutions must do as much as possible to assist students to register within the limited time. Therefore, it is of paramount importance that institutions adequately prepare for the registration period by ensuring administrative, academic and financial support services are in place before opening for registration.
- f. This, however, does not seem to be the case. Several complaints were from academic staff about the poor support services during registrations where they explained the impact it had on them. One submission stated:

*"Students often do not get responses or answers from registrations. Consequently, academics receive a high volume of e-mails from frustrated students not getting help from registrations"*

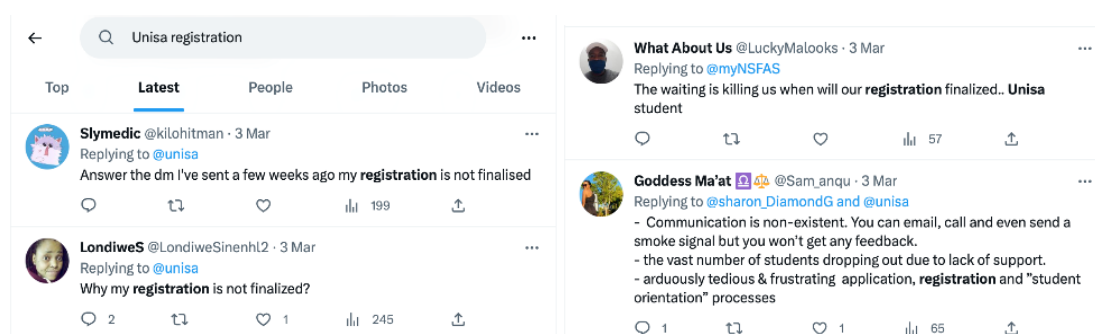
*about finalising registration, changing modules, adding modules, financial cancellations etc. Academics are attending to administrative issues that we do not have knowledge of – we simply redirect the query to the appropriate department. Academics should not do this; academics should focus on teaching and research”.*

- g. Another submission stated that the lack of administrative support to students, “*hinder the smooth running of the academic project by not dealing with registration, finance, bursary and similar issues or not replying to student/staff emails...*”. This submission proposed that for all non-academic staff, helping and supporting students and academics should be their main Key Performance Area of their performance management indicators. This proposal is worth considering as it could be a way to create awareness towards student-centricity and a service culture.
- h. In many instances universities have some problems and challenges related to the registration of modules. This is because several of the qualifications offered by institutions don’t have a fixed or set curriculum. At UNISA it is the same.
- i. With a fixed curriculum, all modules leading to the qualifications are compulsory or core modules, and there are only a few options for students to choose some elective or choice modules. Furthermore, with a fixed curriculum the timetable and examination schedules are already worked out and there are not any scheduling, timetable or examination clashes and conflicts. It is much easier to manage the registration system with fixed curriculum as opposed to more general and open qualifications where only a few modules are compulsory, and the rest of the curriculum is made up of elective and choice modules.
- j. With open and flexible qualifications, there are usually only a few core modules, and the rest students choose from various elective modules. During the registration process, there needs to be a lot more academic advice and support services available to students in these programmes to assist them during the registration process. Typically, the issues are:
- Students don’t always know which elective modules to choose, they want to speak to an advisor to guide them.
  - Students sometimes want to choose modules where they don’t meet the prerequisites and then the system don’t allow the registration. Although this is correct, the issue is that these students then need to speak to someone that must explain the prerequisites and propose alternative modules or options.
  - Students have timetable and examination clashes because of the combination of modules they registered for. Again, this is a situation where students need to speak to someone knowledgeable to assist them in sorting out their timetable.

- k. Institutions are not expected to offer only qualifications with a fixed or set curriculum. But institutions are expected to be able to support students during registrations, especially attending to the issues listed above.
- l. During the interviews, one staff member stated that at UNISA about 85% of student registrations are done by students themselves with very little problems. Specifically, it was explained:

*“The remainder are the problem cases. It is possible for students to register for the wrong modules because there are different streams in qualifications at the undergraduate level. Students mix up the streams and the system does not identify it, and the quality assurance in the registration process is not able to pick up these cases because of the short time available for registration”.*

- m. It is clear that students do experience different challenges related to their registration. From my assessment during interviews with students and staff, it is also clear that the necessary support services are not in place to assist the students. Frustrated students turn to social media and Twitter to be assisted out of desperation<sup>22</sup>.



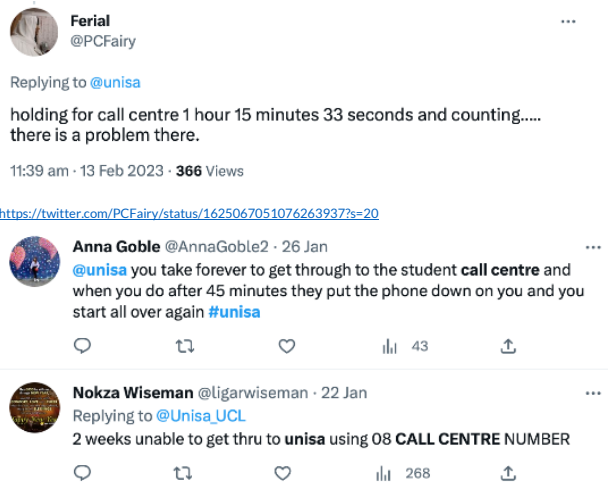
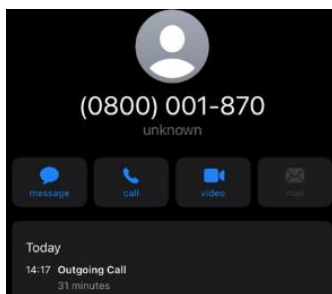
- n. The recurring theme is poor communication from UNISA and the general institutional responsiveness. All these problems delay the registration process. Only at the point of successful registration do students have access to their study and learning material. If the registration process is delayed students also have less time to submit their assignments and complete the semester.
- o. A submission from a staff member explained:

*“Semester 1 is from January to June, but registration of students is so often delayed that students write to us as academics in February and March stating that their registration has been finalised late. The first assignment in a semester module is usually due in February or March. If the assignment date has passed, the student asks for permission to submit the assignment late. This*

<sup>22</sup> <https://twitter.com/McebisiZikode/status/1631556301766512642?s=20>

*creates a problem because the solutions to assignments are by then usually available. This means that the academic has to either set a new assessment for this student or allow the student to submit the same assignment, risking the possibility that the student might have copied from the solutions. There is no communication from registrations in this regard, we are expected to adapt without any regard for the additional work that this might cause....Registration due dates are extended every semester, which impacts the academic program because we then have to extend our assignment due dates – this goes against all the emphasis on planning ahead and impacts the time students have to master the module and prepare for the exam”.*

- p. The Daily Maverick article stated that when they tried to call UNISA, they waited 31 minutes on the UNISA Call Centre, without a response and included a screenshot in the article.<sup>23</sup>

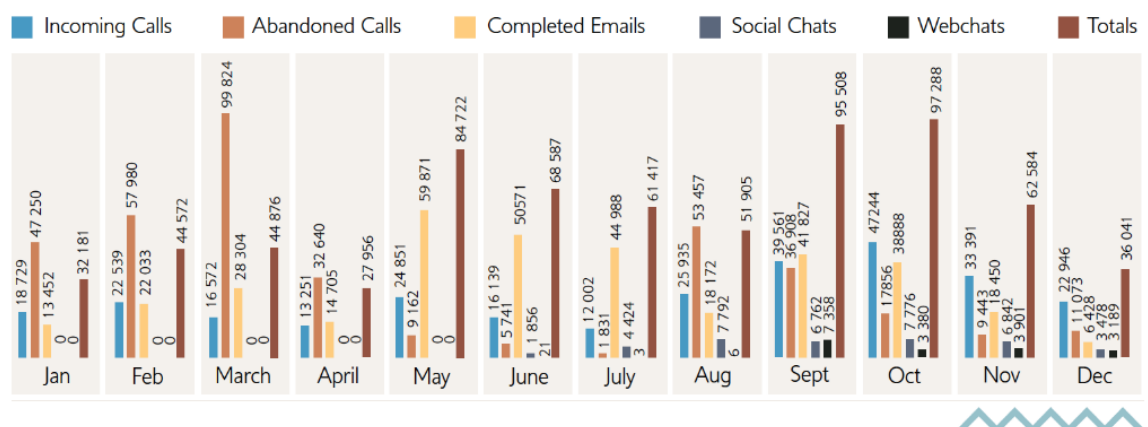


- q. Discussed on the Agenda of the ASACoC in February 2021, was the Student Communication Service Centre (SCSC). The Committee considered and noted the progress report dated 12 February 2021 on the SCSC. The report outlined the following statistics for the registration period in 2021:
- i. There had been great improvement in that 70% of all enquiries were answered. The SCSC had, however, experienced many dropped calls owing to Telkom challenges from 7 January 2021 when it had reopened until services were restored on Tuesday, 12 January 2021.
  - ii. The SCSC was also dealing with high volumes of registration calls, which had resulted in abandoned calls, but it continued to take more calls than the number of abandoned calls.

<sup>23</sup> <https://www.dailymaverick.co.za/article/2023-02-14-trying-to-register-with-UNISA-is-a-nightmare-say-many-students/>

- iii. An additional option on the phones had been introduced for the examinations and registrations so that they were not affected by the general enquiries. It had, however, been discovered that not all students chose the correct options, resulting in them being frustrated.
- iv. The average waiting time for the two months to date was less than ten minutes overall but less than two minutes for those who chose the correct options. The SCSC was continuing to monitor trends since reopening.
- v. Over 31 000 calls a month had been answered in the last three months.
- r. The explanation in point II, above, that the number of calls taken still exceeded the number of abandoned calls, is contradicted in the 2021 UNISA Annual Report (page 23), see graph below. The number of abandoned calls far exceeds the number of incoming calls. During the registration period, January to March, these numbers are very concerning and alarming, indicative of UNISA not being able to serve its students.

**Statistics showing volumes**



Totals: abandoned calls and chat call-backs for January – December 2021				
Incoming Calls	Abandoned Calls	Completed emails	Social chats	Webchats
293 160	383 165	357 689	38 930	17 858

- s. I have received many complaints related to the lack of support for students during the registration period. These are problems and issues that could result in UNISA having to extend the registration period. Students are saying that they are not getting through to the call centre, and that their email enquiries are also not responded to. The number of abandoned calls confirms that students are not getting through to UNISA. I have been told that students end up having to travel to one of the campuses to try and solve the problems they have. In some instances, it was reported that students are not always assisted at one of the regional campuses, and then they must travel to the main campus in Pretoria. Given that UNISA is a distance education institution,



and serves students from all over the country, one would expect excellent online and call centre support during the registration period. Many of the registration issues are related to modules and the curriculum because students are not sure about their module choices or because they have clashes in their schedules.

- t. Therefore, UNISA needs to urgently improve their capacity to deal with registration enquiries during the registration period. The current call centre and support structures are not fit for purpose to serve the number of students that must register. The fact that more calls are abandoned than attended to is unacceptable for a university, especially an institution that mainly offers distance support to its students. UNISA should consider streamlining and easing the registration process in terms of module selection, either through improved orientation or curriculum design. Considering more structured curricula in the programmes that don't have a fixed curriculum could significantly ease the registration process and subsequent schedule and timetable clashes.

#### **4.3.10 Examinations And Assessment Services**

- a. As mentioned earlier, UNISA adopted online examinations, initially in response to Covid-19, but since 2020 remained with online assessments and examinations in line with UNISA's ODeL strategy. During the interviews students and staff expressed serious concerns with the total migration to online assessments and examinations.
- b. One student leader explained that *"we understand as student leaders that we cannot be forever complaining. We understand that Covid caused a move to online teaching. The problem is that they (UNISA) did not capacitate or support students to move with the university when they went online"*.
- c. According to the students, there is an assumption that all students have access to computers and data, and that all students are computer literate. This assumption is completely wrong. Students feel that if UNISA really understood and cared for them, the process of migrating to fully online assessments and examinations would have been underpinned with support and proper change management. Students were just expected to be computer literate, to arrange computers and install all the required invigilation apps and ensure that they have unlimited data. During the interviews another student leader sketched the following situation:

*"They (UNISA) have forgotten where their students come from, they think that all of us finish high school already knowing a computer. There was this one student that I had to assist, and she was sitting there for a long time. I had to help her by typing in her name, and the staff came and said*

*that they were trained not to touch the computer for the students, and I think that they forget what it is to be human. I don't know, we have to think about that".*

- d. These student leaders are dealing with these challenges on a daily basis and the students experience UNISA as insensitive and out of touch with its own students. A student stated:

*"They said that everyone is supposed to do their exam in the comfort of their own home. We know where we are all from, there are people living in a house with their siblings, and even the neighbours are close-by and they cannot be expected to be quiet. They took these decisions without consulting us (student leaders) about what our students' experiences are like".*

- e. How can an institution expect of a student that is not computer literate, that don't have access to devices and data, successfully complete a qualification? The Peer Review of the Office of the Registrar (March 2022) highlighted the concern as follows:

*"First-year students from rural communities and disadvantaged backgrounds indicated that they were struggling with online learning as they were not digitally literate, nor did they have resources to acquire the necessary devices".*

- f. During the interviews it became clear that UNISA will remain with online assessments and examinations, aligned to its 2030 strategy. However, UNISA must consider all aspects and situations that can impact online assessments and examinations. These include computer literacy levels of students, access to devices, access to data and other issues such as loadshedding. Furthermore, UNISA also needs to take into account its own ICT infrastructure, the stability of the systems and if there are adequate support structures in place.
- g. UNISA admitted some technical glitches during the October 2022 online examination period and posted the following announcement on the website:

## Announcements

## Unisa apologises to students for technical glitches experienced during exams

The University of South Africa (Unisa) apologises to students in respect of technical challenges that were experienced during some online exams that took place on 24 and 25 October 2022. Students sitting for the affected sessions were granted extension or grace period to accommodate the inconvenience experienced.

The university, through its colleges, is also communicating with affected students via its official communication platforms.

Unisa reassures students that those who could not proceed with the rest of the affected exams sessions even after the university has extended the duration of the sessions in question, their cases would be investigated.

Students are also urged to carefully read the [Step-by-Step guide to the online examinations](#) and take note of the [new permitted submission time](#). Students experiencing technical challenges should contact the SCSC on 080 000 1870 or via e-mail [Examenquiries@unisa.ac.za](mailto:Examenquiries@unisa.ac.za) or refer to the [Get-Help](#) resource for the list of additional contact numbers.

Students are reminded to please read the exam announcements that the University publishes on its platforms. These are aimed at assisting students to know where to go should they experience glitches whilst busy writing exams. In cases of emergency, Unisa posts announcements on the homepage of myUnisa at <https://my.unisa.ac.za>. Lecturers also post information on the module and exam sites when issues emerge.

Having said that, the university wishes all Unisans who are sitting for remaining examinations success. Please give it your best shot. Unisa strives to ensure that the security and credibility of its exams is always enhanced.

© Publish date: 2022-10-26 00:00:00.0

- h. Students are rightfully asking what is the policy in terms of system crashes, or loadshedding or other issues that are out of students' control. I searched for a relevant policy, but could only find the Assessment Policy that was last updated in 2019, and hence not relevant to online examinations. During the interview a regional student leader said:

*"They say that we can do aegrotat when the system crashes – but the policy is actually meant to provide supplementary exams for students who fall ill and cannot write the exam. There is nothing that says when the system crashes that students must do the aegrotat. The problem is that students must take responsibility to do it, and they must pay for it. And some students lose their NSFAS funding, because it looks like the students did not pass those modules. The system is a mess. COVID is now over, we must go back to venue-based exams. In future it would be questioned – some students on social media are complaining, and we are concerned about the quality and credibility of the qualifications in this institution".*

- i. This has been an area of student frustrations, and many have expressed such frustrations on social media. Below are the snapshots of some of the comments from frustrated students:

**Lewcifer** @Afr\_Humor · 12h  
Become a student:  
Unisa sends a notice that we should self prepare for loadshedding, when there is no power, we dont have network, now when we are suppose to write exams at 8, the system is offline.  
Loadshedding is starting at 12?!

**NOTICES**

- myUnisa login is currently unavailable including myExams. We are working to resolve the issue as a matter of urgency. Exams scheduled for today will continue even if slightly delayed.
- Amended October/November 2022 examination rule on permitted submission time on the alternative link

**Angellina Khumalo** @Angelina\_KidA · 7h  
UNISA should be partners with Eskom 🙄

**Madz** @TooMuchMadz · 1h  
I am tired of being a student at UNISA... I showed up to my exam last week, they forgot to arrange my special needs exam (note: its just extra time) and i wasnt able to log onto the normal one. I got a message at 18:30 today asking of i can write tomorrow 😭

**Mrs. M** @fifigp · 5h  
This is the struggles UNISA students are going through. @menzi\_mdaniyoka go on and be a fire-extinguisher. 🧯

**Mlungisi** @Mlungisi\_ · 13h  
Replying to @j\_thandekile  
Unisa will be the end of me honestly 😭😭😭  
Like 12 minutes before the exam commences and we can't log on 😭😭😭😭😭

**Ronel Olivier** @RonelOlivier19 · 14h  
@unisa writing exam in 30 minutes and myunisa keeps saying "Invalid credentials" I tried to reset my password but i don't receive the SMS. Tried on laptop and cellphone. Same thing.

**tiabeanie** @thobekankalanga · 11h  
Replying to @KgothatsoMabit3, @DineoTsaBadimo and @Boromo\_M  
Unisa always has problems. They don't mark assignments, they "forgot" to process my second term registration even though I paid. Their invigilator app never works, they don't deliver study material in time, they don't respond to emails or calls, their help centers don't assist.

**id: @nawless\_tenboo** @nawlessreel · 11h  
I mean why implement online exams knowing very well that you will not sustain them. Bring back venue based exam. @unisa

**Sho\_Maps** @MapsSho · 6h  
Your administration is from hell, you hardly ever respond to your emails and when you do it always late. Stop stealing from the students, if we had other options, I don't think we would bother with UNISA anymore! Your system/moocs/invigilator has cause us irreparable damage!

**Tshenolo\_Phetoane** @TshenoloP1 · 13h  
I'm experiencing the same thing @unisa @RonelOlivier19

**Anastacia** @Miss\_Nasteey · 7h  
Honestly I feel like am in a abusive relationship. Their systems are not working yet it's my fault #unisa

Dear students,  
Unisa apologises for the system downtime on myexams today. DSAA worked actively in resolving the matter, and the directives issued to you were per instructions received.  
Every effort was made to ensure that the system was running for the entire duration of the examination since commencement at 8.30am. Extra time was granted to all students to accommodate the late start. The activation time on the QR code was also extended to 9.15am. The submission portals on myexams and the alternative link were extended to 11.15am.  
The exam for 2022 is concluded.  
Any student who is found threatening or intimidating the lecturers in any way whatsoever in respect to this matter will

**Sporty Spice** @MasegoLFC · 8h  
Unisa sounds like a horrible institution to study at yoh

**Nompumelelo Zuma** @Mpumikazi · 1h  
Replying to @Vee\_Sta and @unisa  
Happened with MNG3701 sent emails no response, it hurts so bad that I won't finish my degree all because of technical glitches 😭 that I had no control over, been trying to stay optimistic but I know there's no chance with Unisa

**Siyanda** @Siya\_Diaminii · 7h  
#UnisaSucks Imagine preparing so hard and being ready for system to crash before you write then with all that not being able to submit, Unisa just messing

- j. UNISA implemented online assessments and examinations in response to Covid 19 in 2020 and has since remained with this mode of assessment as it is aligned to their 2030 strategy. However, from my observations, the change was too abrupt and a phased in approach that considered the students would have been a better option. Two years down the line, the system itself is still not stable and students experience a lot of challenges as a result. Policy documents are not up to date. The current Assessment policy (2019) was last updated before UNISA adopted online examinations. During the interviews it was obvious that students don't even identify UNISA, and keep referring to it as "they", as students are disconnected and have no sense of pride being associated with the institution. UNISA faces serious reputational risks.
- k. UNISA must review the mode of assessment considering the needs and abilities of its students i.e., digital and computer literacy assessment of all students. UNISA needs to find out if all their students have access to devices and data, at this point in time it does not seem like UNISA know this information. UNISA must provide computer and internet facilities at various centres across the country to give all students equal opportunities to write their examinations online. UNISA must proactively communicate to students what support structures are in place to assist them during examinations. UNISA must update all applicable policy documentation to cater for online assessment and adjust the content accordingly with reference to online assessments, and include eventualities that could impact on examinations such as devices, data, electricity (loadshedding), etc.
- l. Because of all the issues reported with online assessments by students and staff, the overall integrity of the assessments and examinations are being questioned. One staff member stated that *"from a security and confidentiality point of view, we cannot defend online exams"*. During an interview a student explained:
- "It is true that the public has no confidence in UNISA. We are seen as people who go to an institution, but we would be incompetent in the work environment. This is about only one thing, the current online exam system. They say that they are asking questions in a way that makes it clear that you can apply knowledge, but it is open book, so I don't understand how going online was aligned to the curriculum of UNISA and what purpose it served for students. Yes, the public discredit UNISA, they don't have confidence in it. It is a pity"*.
- m. A related risk reported by students and staff is the increase in academic fraud arising from the hiring of exam takers and assignment writers also called ghost writers. During the interviews, it was reported that the invigilator app does not work reliably – it wrongfully flags students that were not cheating, and in other instances don't flag students that were cheating. One staff member stated:

*“We picked up that a lot of students working online were sitting in groups and copying, which affects the credibility of our qualifications, and I recommended that IT must find a way to protect the integrity of our exams. I know that they implemented the proctoring tool. We identified just over 15 000 students who were alleged to have cheated, of which only 200 were actually have been found to be cheating, which is why students still insist on venue-based exams”.*

- n. From 15 000 students flagged, to find 200 who have been cheating, is far from accurate! The online examination system is just not stable, students complained about the system crashing, and hanging in the middle of their exams. Students said that when they experienced system issues, they were given a zero (0), other students said that the invigilator app, incorrectly flagged them for cheating, and they were also given a zero (0) for their exam. The Peer Review Report said the following on online examinations:

*Students complained that they were either repeating modules or could not graduate because, instead of receiving examination results, they received system-generated statements indicating that they are facing “pending disciplinary” for the transgressions they believe they never committed. Student Assessment Administration also apparently accused students that they had not sat for examinations when in fact they had evidence proving that they had sat for these exams. Adding insult to injury, students claimed that all calls and emails they would write to Pretoria to complain of these mishaps would either receive hostile feedback from lecturers or not receive any feedback at all.*

- o. The latest figures of student disciplinary statistics, provided to me on 6 December 2022 is a total of 10954 cases of academic misconducts for the 2022 examination period. The report explains:

*The increase in disciplinary cases is caused by students enlisting the help of third parties to complete examinations, assignments, or any coursework. Students are paying for services to complete an exam or assignment. The trend has increased since the genesis of online examinations. Another contributing factor is students uploading and sharing course material to sites that have not been vetted by the university and that claim to offer study help or tutoring.*

- p. A staff member during our interview indicated that the Student Disciplinary Office does not have the capacity to deal with these volumes of cases. At the Council meeting on 24 November 2022, disciplinary cases were discussed, and the Registrar presented a report. The Minutes of the meeting reads:

*Prof Mothata presented the report, highlighting that the submission had been informed by the challenges of backlog in the student disciplinary hearing processes, and that this might take a long period of time to conclude. The factors behind the increase in the disciplinary cases were mostly as a result of plagiarism cases due to migration to online examinations, students making*

*use of third parties, and the drastic escalation of students submitting similar answers to assignments and examination questions.*

*...Council did acknowledge that there was a need to increase manpower to deal with the issue of the backlog, and thus agreed that there was an urgent need to appoint contractors to deal with this. Council resolved (amongst others) that the request to increase the capacity in the student disciplinary office as indicated under point 3 of the report, be approved and that this be durable for a period of 3 months...*

- q. In dealing with student disciplinary cases, students are referred to the Student's Disciplinary Code as it explains the disciplinary process in detail and outlines the student's rights throughout the disciplinary process. What I find very concerning is that the Students' Disciplinary Code was last updated in 2014<sup>24</sup>. How can UNISA hold students to a Disciplinary code that makes absolutely no reference to online assessments under the relevant section dealing with assessment? Below, see the section on Examinations, in the current 2014 Students' Disciplinary Code on page 6:

*2 With regard to assessments, a student is guilty of misconduct if he/she cheats in any University examination.*

*2.1 For purposes of this rule 'examination' includes all assessments of a student's performance organised and/or conducted in the name of the University.*

*2.2 Further for purposes of this rule, 'cheating' includes:*

*2.2.1 the possession of any unauthorised notes and/or aid(s) in the examination venue after the first answer book or question paper is made available to students;*

*2.2.2 the use or attempt to use during an examination writing paper not supplied by the University, any note or aid(s) or electronic devices for the purpose of assisting in the examination;*

*2.2.3 the communication or attempted communication of any information relating to an examination with any other candidate whilst the examination is in progress;*

*2.2.4 the removal or attempted removal from an examination room of any examination book or writing paper supplied by the University for the purposes of answering an examination;*

*2.2.5 the use of a false name, identity number or student number in an examination;*

*2.2.6 the submission for examination as own work any matter that has been copied, reproduced, or extracted in whole or in part from the work of another student or some other person, or which is substantially the same in whole or in part as the work of another student;*

*2.2.7 intentionally or negligently assisting another student to cheat as defined in 2.2; and*

<sup>24</sup> [https://www.UNISA.ac.za/static/corporate\\_web/Content/Apply%20for%20admission/Documents/UNISA-Students-Disciplinary-Code-25-April-2014.pdf](https://www.UNISA.ac.za/static/corporate_web/Content/Apply%20for%20admission/Documents/UNISA-Students-Disciplinary-Code-25-April-2014.pdf)

*2.2.8 the commission of any other fraudulent or dishonest practice whereby a student, whilst being examined by the University, seeks to mislead or deceive the examiner or the examination officer.*

- r. Although the principles of the disciplinary code may still be relevant and applicable, it is just poor administration to not update these critical documents when an institution has gone through a significant change such as the move to online assessments and examinations. Also, other sections in the code may be irrelevant or contradictory. Some sections in the code were never written to accommodate the volumes or high number of cases that UNISA is currently dealing with.
- s. In many instances students claim that they are caught up in disciplinary cases because of system issues with the Invigilator app. One student stated that the *“proctoring system picks up sounds, but people stay in two-room houses, people have kids, so one cannot expect a four- or seven-year-old to stay outside until their parent has completed their exam. Those are challenges that we have, and I’m not sure if this system can work for us”*.
- t. A senior executive staff member confirmed that the *“proctoring system in the absence of invigilators which sometimes identify completely innocent things as problematic – the system failed us, and we have been trying to address it”*. The message from students and staff is that the invigilator or proctoring tool is not working correctly. A student leader explained:  
*“I had my own run in with the invigilator app which is not accurate, and the university is refusing to take responsibility for the shortcomings of the app, even if you can prove that the app was giving you problems. Now they are targeting us by accusing us of trying to scam our way into a qualification. The invigilator app is not working, they cannot claim to say that it is a way to ensure the ethical way of getting a qualification. If that is the only way that they ensure the ethical nature of the exam, I think they must revisit their view”*.
- u. It is of critical importance that the backlog in student disciplinary cases be attended to urgently. I recognise the decision from Council to support the proposal for additional resources to focus on the disciplinary cases as a positive but necessary step. The students implicated or flagged are being held up by UNISA’s processes and the students are dependent on UNISA’s capacity to process the cases. Until their cases are finalised, students have a hold on their records, and they are blocked from re-registering, and/or from graduating.
- v. Below, was received in a submission indicating emails from a student that enquired about the status of a subject that was marked 0% because it was flagged. It is clear from the email trails below that the student is not receiving the necessary information about the process or the way forward.



## (1) Student emails lecturer on 18 January 2021

From: [REDACTED]  
 Sent: Monday, 18 January 2021 09:51  
 To: [REDACTED]  
 Subject: Re: Warning Letter for MAC4865 Oct/Nov Examination 2020

Good Morning

I am not sure I understand the contents of this letter.

I am being accused of cheating parts of my paper when I had the invigilator app open the whole time?

I couldn't even use google because I wasn't allowed to minimise my screen and most of the paper had calculations even if I had the opportunity to search for answers there wasn't time.

I spent the whole year on lockdown studying this module it saddens me to see my efforts go at 0.

The entire year I never received such an accusation it really pains me to see nothing being done and receiving a zero knowing very well I couldn't have plagiarised.

Can you as my lecturer assist in this regard, this is the only module I have left and I've put in too much effort.

## (2) Lecturer responds on 19 January 2021:

From: [REDACTED]  
 Sent: Tuesday, 19 January 2021 12:49  
 To: [REDACTED]  
 Subject: Re: Warning Letter for MAC4865 Oct/Nov Examination 2020

Dear [REDACTED]

You have been identified to have copied/plagiarised in the answer file submitted for the MAC4865 October/November 2020 exam.

As per information received from DSAA/Examinations Department, you have appealed your 0% mark for MAC4865. As far as I am aware, appeals are currently being reviewed. Please wait for feedback that will be communicated to you in this regard.

## (3) Student follows up with lecturer on 26 January 2021:

To: [REDACTED]  
 Subject: Re: Warning Letter for MAC4865 Oct/Nov Examination 2020

Good Day Sir

Is my exam still under review and if so how long will it take?

Thanks,

## (4) Lecturer responds on 26 January 2021:

From: [REDACTED]  
 Sent: Tuesday, 26 January 2021 16:47  
 To: [REDACTED]  
 Cc: [REDACTED]  
 Subject: Re: Warning Letter for MAC4865 Oct/Nov Examination 2020

Good evening [REDACTED]

Please note that your appeal is probably still under review. I have however included [REDACTED] email who is the contact per the warning letter received.

Kind regards

## (5) Student follows up with person the lecturer referred to on 3 February 2021:

From: [REDACTED]  
 Sent: Wednesday, 03 February 2021 20:07  
 To: [REDACTED]  
 Subject: Re: Warning Letter for MAC4865 Oct/Nov Examination 2020

Hi,

This is a courtesy follow up regarding the below matter, there has been no way forward.

I still cannot explain to my employer exactly what needs to be done.

Please respond so I know the outcome of my review.

Thanks,

## (6) Student follows up again on 5 February 2021:

From: [REDACTED]  
 Sent: 05 February 2021 03:13 PM  
 To: [REDACTED]  
 Subject: Re: Warning Letter for MAC4865 Oct/Nov Examination 2020

Good Day

I haven't received feedback from [REDACTED]

May I kindly please get an update on my 0% review and what I need to do.

Can I get the marked script at least and see what's going on.

- w. The number of disciplinary cases related to academic misconduct during examinations is alarming. Thousands of students are flagged and need to go through the disciplinary process before results can be finalised. With one submission stating that out of 15000 potential cases, only 200 were found guilty (1.3%), UNISA must question the validity and reliability of the measure it uses to identify the students suspected of academic misconduct during examinations. Measures and systems to improve enhance online examination security is a necessity. However, when the system that is used creates so many false positives, it is a cause for concern. UNISA does not seem to have the required staff capacity to deal with the amount of work being generated. Consequently, student disciplinary cases and student outcomes are delayed, and students complain that they are not getting the necessary information from UNISA regarding their disciplinary cases. Students informed me of instances where they had to wait for close to a

year to finalise their disciplinary cases. Again, the Students' Disciplinary Code is not up to date and makes no reference to online assessments, or any eventualities that could impact on their examinations such as devices, data, electricity supply (loadshedding).

- x. It is my view that UNISA should review the methods, systems, and apps used, to protect the integrity of online assessment and examinations. The current proctoring tool and invigilator app is questionable in terms of reliability and validity. Secondly, UNISA needs to proactively consider their approach and response to student disciplinary cases and improve the turn-around time so that cases are finalised in time for students to still register or graduate if possible. Thirdly, UNISA should ensure that students have access to system support staff or call centres throughout the examination period, so that students can immediately report and log issues in real-time during their exams.
- y. During the interviews, I received a number of complaints about the late release of students' results for assignments and examinations. Many students complained that they don't receive their results before the examinations. One student reported that *"we have had to write examinations without feedback on our assignments, this is a concern that students have raised countless times, but which seem to have fallen on deaf ears"*. The Assessment Policy (2019) makes it clear that students must receive feedback on their assignments and other assessments before they write summative examinations (page 9):

*Instructional feedback is fundamental to the learning process. Lecturers will provide timely and constructive feedback that identifies where misunderstandings have occurred and the ways in which the student can improve, on both marked and self-assessed assignments. Feedback should be individualized to the specific student's attempts whenever possible and practicable. Generic feedback should also be given in answers/guidelines to self-assessed tasks in study materials and lecturer-marked assignments.*

*Feedback on assignments, other assessment activities or in tutorial letters must reach students before they write summative examinations.*

- z. Earlier, I reported under Student Services (section 4.3.6), on the Student Satisfaction Surveys that UNISA use to measure the level of satisfaction students experience in different aspects of the student journey. The 2020 Student Satisfaction Survey (Wave 2) focused on students' satisfaction with teaching, learning and academic and administrative student support services. The survey results are presented on a scale of 0 to 100, where an average index score below 60 points is regarded as substandard, while an average index score of above 75 points is regarded as the bare minimum for a 'respectable' score.

- aa. The survey results on more than half of the items measuring student satisfaction with assignment and examination assessments recorded index scores below 60 points, i.e. substandard. More specifically, the bottom 3 items with the lowest scores were:
- Length of time to get feedback on assignments (37,91 index points).
  - Fairness of marking/grading of assignments (48,71 index points).
  - Quality of academic aspects of feedback on assignments (52,45 index points).
- bb. The survey findings therefore confirms that UNISA has problems with ensuring that marks and results are released on time. Although the findings presented are from the 2020 survey, students still experience this challenge as was evident in discussions with students during the interviews. Current students complained about the late release of their results. UNISA must do what is necessary to improve these processes as the Assessment Policy (2019) is clear that students must receive feedback on their assignments and other assessments before they write summative examinations.
- cc. Prior to online examinations, the capturing and processing of marks were centralised. With the online assessments and examinations, marks and results are captured in the Colleges. From my interviews with Student Assessment Administration staff, it seems that various checks and balances are in place to monitor the processing of results, and to flag for example late or outstanding results. According to staff, they have up to date dashboards and monitoring tools to track progress in terms of marking and releasing of results.
- dd. The problem is that there are sometimes delays in marking at the Colleges. One interviewee explained “...*part of the challenge the central team face - is that with the Moodle integration, marks processing is fully in the hands of lecturers and although there is a double sign-off at the colleges, the central team are not really able to identify tampering with results*”.
- ee. Furthermore, there have been some rumours about tampering with results and that students could ‘pay’ for better marks. During this assessment I was not able to interrogate this further, but I became aware of an internal audit report dated March 2021, where it was in fact proven that a lecturer solicited money from students in exchange for marks (see below). I urge UNISA to consider this as an institutional risk and implement measures to identify and monitor changes to marks.

### 3. SUMMARY OF FINDINGS

- 3.1 [REDACTED] submitted her portfolio as required and [REDACTED] failed to mark and process as required.
- 3.2 [REDACTED] portfolio has since been allocated to another marker and she obtained a pass.
- 3.3 The allegation by [REDACTED] that [REDACTED] demanded her to pay R1000.00 and later R1 500.00 for assistance with portfolio is supported by the statement by another student [REDACTED] who had admitted paying money to [REDACTED] for assistance with her portfolio and evidence obtained during the investigation.
- 3.4 Two students, [REDACTED] and [REDACTED] portfolios submitted to the examination section by [REDACTED] are similar, suggesting that they were either copied from same source or prepared by the same person.
- 3.5 There is no evidence that shows that both [REDACTED] and [REDACTED] have submitted any portfolios to [REDACTED] or the university.
- 3.6 [REDACTED] admitted that she did not submit any work, but paid money for assistance with the portfolio on advise by [REDACTED]. She stated that she paid the money to [REDACTED].
- 3.7 [REDACTED] stated that the portfolio submitted to the examination section by [REDACTED] [REDACTED] which was shown to her during the investigation is not what she submitted and does not belong to her.

ff. UNISA may have management information and dashboards in place to monitor the release of results, but with the integration of the learning management system (Moodle), there is no central oversight on changes to marks in colleges. This is a big institutional risk.

gg. I therefore recommend that UNISA must comply with the Assessment Policy and ensure that the student assignments and other assessments results are released before examinations. A mechanism could be put in place for students to report instances where marks are outstanding for the central office to investigate. Secondly, UNISA must consider implementing system controls to ensure that all changes to marks are legitimate, recorded and can be justified when needed. Thirdly, the University should develop a policy framework and institutional structures that will guarantee and safeguard the quality, credibility and security of examinations and the results for all online examinations.

#### 4.3.11 Qualification Audits

a. After completing a qualification, students are issued with a letter of completion or an Advance Statement, as in the case at UNISA. The 2022/2023 Rules for Students state the following:

5. An Advance Statement (page 2)

5.1.1 A student will receive an Advance Statement in respect of a completed degree, diploma or certificate prior to a specific graduation date.

5.1.2 The Advance Statement is e-mailed to the student's myLife UNISA e-mail **account as soon as reasonably possible after completion of the qualification.**

5.1.3 All modules that have been passed will be indicated on the Advance Statement, together with the percentages obtained.

- 5.1.4 An Advance Statement will not be issued to a student who has an outstanding fee balance, outstanding/pending disciplinary case or outstanding library material. The Advance Statement will only be processed upon settlement of the obligation.
- 5.1.5 **An Advance Statement is only issued after the student's results have been finally audited for correctness.**
- 5.1.6 A student may be issued with a letter confirming that he / she is in a final year or semester if all the outstanding modules required for the completion a qualification are fully registered.
- b. There have been numerous complaints about students that have completed their studies and then await confirmation of completion from UNISA. Generally, after concluding the academic year, institutions must audit the students that have completed their studies to ensure full compliance with qualification curriculum and link these students to graduation ceremonies. In most institutions this auditing process is completed by end of February.
- c. The UNISA Student Rules state that this process will be completed 'as soon as reasonably possible after completion of the qualification'. What would this reasonable time be?
- d. One issue is how long the process takes, the second issue is about the mechanisms UNISA puts in place for student so that they can enquire and follow-up on the progress of their audits. Students have a right to ask about the status of their qualifications, especially when they have complied with all the qualification requirements. Many of the students need confirmation of their qualifications for potential employment opportunities, or for further studies. However, students report that their calls and emails remain unanswered. See for example the email below, please note that there were 5 emails preceding this email enquiry on a completion letter.

**From:** [REDACTED]  
**Sent:** Wednesday, 24 March 2021 11:26 AM  
**To:** [REDACTED]  
**Subject:** [REDACTED] - Completion Letter

[REDACTED]

It has been a week almost and I have yet to receive a single response from you regarding my Completion of Qualification Letter. My status on my academic profile still says "Final Year Student" even though I completed my studies in Oct/Nov 2020. I've yet to receive my completion letter and as a result, I've missed out on a couple of opportunities regarding possible employment. I haven't been able to get through to anyone on the UNISA helpline after spending 2 hours waiting on the phone. Why is it so hard to get some clarity on when I will be receiving my completion letter and why is it taking this long? I really need this matter handled as soon as possible. It is a matter of urgency.

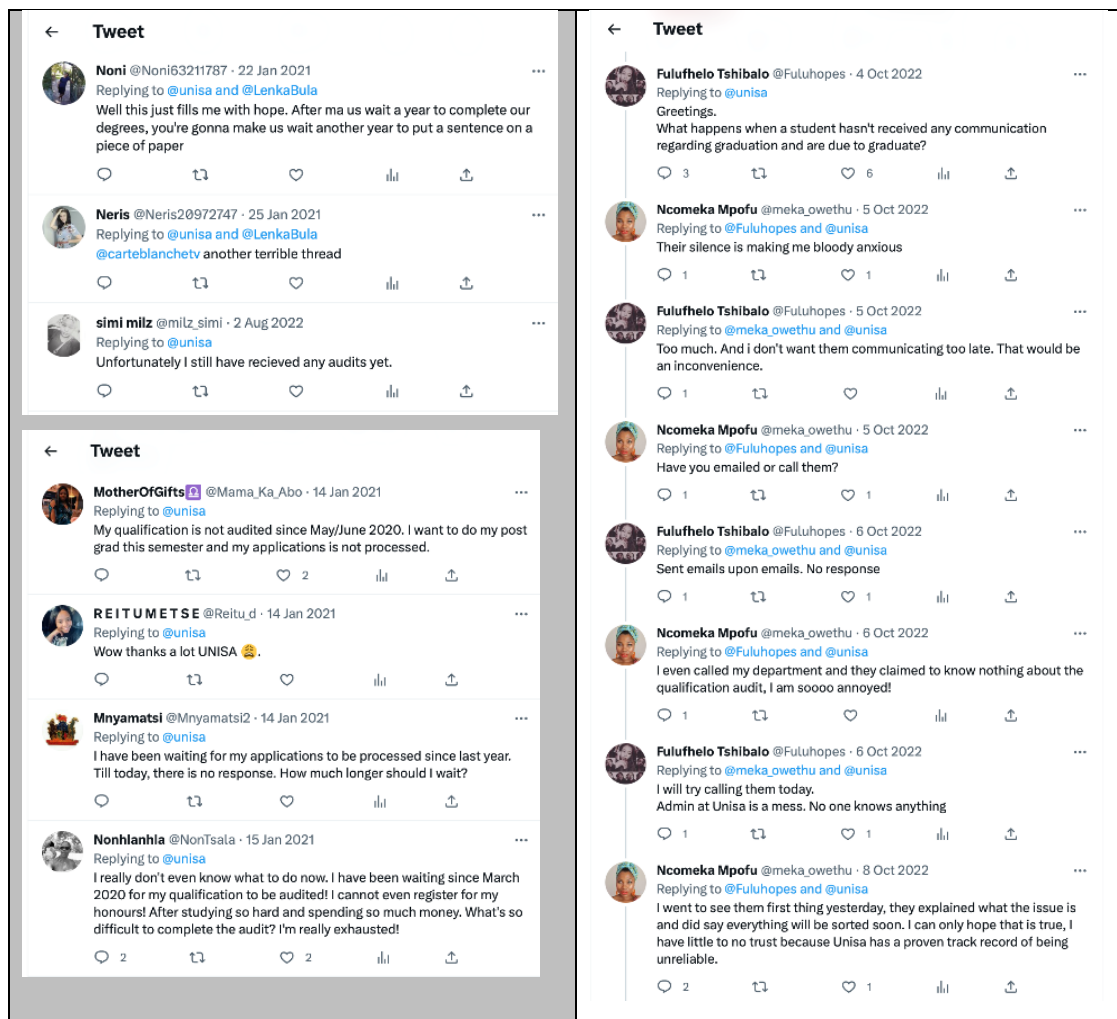
Regards  
[REDACTED]

- e. In my interviews with staff working with qualification audits and graduations, it was explained to me that the qualification audit process is very complicated with many interdependencies. I explain my understanding of the process briefly below.
- f. Before any records can be audited, the process starts with the approval of the graduation dates for the next year. Once the ManCom approved the proposed graduation dates, the different graduation sessions are created on the student system. When all the final marks are on the system, qualification audits can then proceed and allocate students to the respective graduation sessions. The actual qualification audit process is still done manually at UNISA. Thousands of student records (record cards) are printed and delivered to the Graduations unit for auditing. The first run prints about 20 000 record cards, and the printing process alone takes about two weeks. The Graduations unit then verify and check all the information on the record cards, students' statuses that comply with qualification requirements are then updated on the system. The second run can only be done after the audits on the first run are complete and statuses updated on the system, otherwise duplicate record cards are printed.
- g. I was informed that a new electronic system is being piloted that would not involve any printing and would also enable tracking of records to report on progress. This is a critical step in the right direction, as the current system is subject to high risks of human error, time consuming, resource intensive and not environmentally friendly or sustainable.
- h. As explained above, the whole process kicks off with the approval of graduation dates. The Policy on Graduation Ceremonies (2016) confirms this and states under Principles, point 3.3 that:
- Dates for graduation ceremonies are determined one year in advance by the Deputy Director: Graduations which are approved by the Management Committee.*
- i. In my interviews with staff in November 2022, it was reported that the Graduation dates for 2023 was yet to be approved by ManCom. The staff member explained that the VC did not want to approve the dates because she would like to incorporate UNISA's 150 years of existence celebrations on the calendar activities for 2023. The Registrar in his interview confirmed that the VC had issues with the dates and wanted three ceremonies scheduled per day as opposed to two ceremonies. In principle, the VC has a right to ask and consult and to make changes to the processes but within the timelines as stipulated in the policy.
- j. This is not only non-compliance with their own Policy on Graduation Ceremonies, but the delay was also causing a critical administrative holdup that affects students negatively and result in late qualification audits. A staff member working with qualification audits stated: *"I can say that they are delaying us from completing our processes, which also delays graduations"*.

- k. When this issue was discussed with the Registrar in early February, he confirmed that the graduation dates for 2023 had since been approved. According to him the qualification audits are largely automated with only *“a few cases where manual interventions are needed”*. This contradicts what the staff working with the qualification audits, reported to me. The Registrar seems to be out of touch with the reality in terms of how the actual work is done by his staff, and the actual student experience related to the process. He stated in our interview:

*“I know that even though students complain about asking for their qualifications to be audited, they don’t understand that it is a process that must be completed after they finished their exams. Given the complaints that we received, there were only about 55 that had to be done manually, and all students will graduate on time”.*

- l. I find the comment from the Registrar above on student complaints as dismissive. Furthermore, his estimate that only about 55 cases of qualification audits had to be done manually is incorrect and unjust towards the staff working in the Graduations unit, that must do this labour intensive and time consuming task.
- m. Throughout this assessment, I have found that at UNISA, one of the biggest issues is the fact that students are not able to enquire or follow up on their issues. In this instance, it is the same, so frustrated students turn to social media to voice their concerns. Below is just some of the posts on Twitter, note how long some students have been waiting. Students complain that they wait anything between 3 - 9 months for their audits to be finalised. The Student Rules state that the process will be completed as soon as reasonably possible. How should students interpret this statement, because what is reasonable for UNISA, is not necessarily reasonable for a student. Some students claim to have lost employment opportunities because they are not able to prove that they have completed their qualifications. The situation is unfair as there is nothing that students can do to speed up the process, as this is completely out of their hands. The other problem is that students don’t get responses on their enquiries.
- n. It is my view that UNISA must invest in the systems and infrastructure needed to improve the timing, efficiency, and effectiveness of qualification audits. Alternatively consider additional resources to in the interim speed up the process. Furthermore, UNISA must provide a dedicated communication channel for these students to enquire and follow-up on the status of their qualification audits; and explain to students the actual timelines in terms of what “reasonably possible” means. Also, the general perception that students just complain is unacceptable. UNISA does not comply with its Policy on Graduation Ceremonies in terms of the planning and scheduling of graduation dates. UNISA must approve these dates long in advance in order for the administrative processes to follow and not cause any delays in qualification audits.



#### 4.3.12 Protection of Student Data

- The Registrar is the custodian of student data and must ensure the security, integrity and timeous disposal of data. The Registrar must ensure that policies that govern the protection of and access to information are compliant with national policies and relevant legislation on retention of data, sharing personal data (POPIA), or access to information (PAIA).
- I have received numerous complaints from students and staff about the student data not being secure. Students are constantly contacted by third parties and illegitimate service providers offering tutoring at a fee, as well as examination assistance. The Registrar's Portfolio Review Report (2022) stated that: The panel is concerned that the leakage of students' personal information is in direct violation of the POPIA and this needs to be dealt with in order to ensure the confidentiality of students' information.
- During the interviews students explained that as soon as they register, they receive SMS'es and WhatsApp messages on their mobile number, from people offering them assistance with their



modules. This means that the student data is available to these third parties in real-time as data leaks. In my interviews with staff, they expressed their concerns with student data being leaked outside UNISA. One staff member said: “students register now, and a short while later they get that SMS. We asked ICT what they are doing, and raised the issue many times, but nothing happened”.

- d. I have been informed about forensic investigations and have seen some official reports on this matter but found nothing conclusive. The minutes of the last three ASACoC meetings under matters arising state the following in chronological order:

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**Report on the investigation into third parties having access to the data of UNISA students (CAE)**

(8 August 2019, item 10.1.1; 17 October 2019, item 7.3; 19 February 2020, item 7.3; 13 May 2020, item 7.2; 3 August 2020, item 8.1, item 7.1; 4 November 2021; 16 February 2022, item 7.1)

- *Consideration of the matter was deferred to the next meeting after it was considered by the Management Committee before resubmission to the Committee. (Minutes of 26 May 2022)*

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**Report on the investigation into third parties having access to the data of UNISA students (CAE)**

(8 August 2019, item 10.1.1; 17 October 2019, item 7.3; 19 February 2020, item 7.3; 13 May 2020, item 7.2; 3 August 2020, item 8.1; 4 November 2020, item 7.1; 16 February 2022, item 7.1; 26 May 2022, item 7.1)

- *The Department: Internal Audit was required to submit a report on the possible prosecution of the suspected employees implicated in the leaked information of the students. No report was submitted, and Prof P LenkaBula undertook to follow up the matter and ensure that a report was submitted. (Minutes of 10 August 2022)*

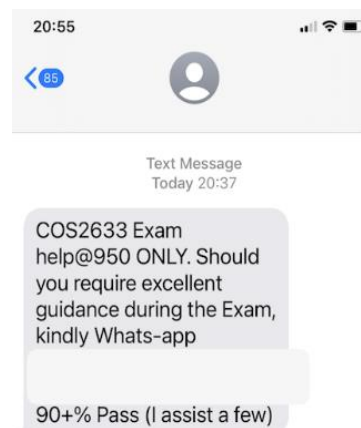
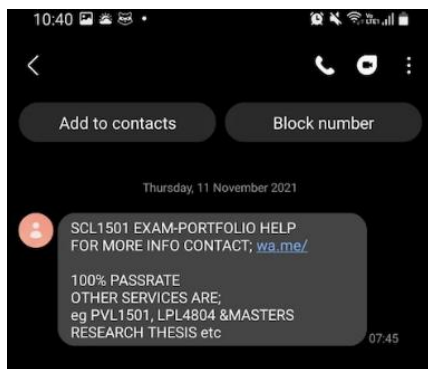
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**Report on the investigation into third parties having access to the data of UNISA students (CAE)**

(8 August 2019, item 10.1.1; 17 October 2019, item 7.3; 19 February 2020, item 7.3; 13 May 2020, item 7.2; 3 August 2020, item 8.1, item 7.1; 4 November 2020)

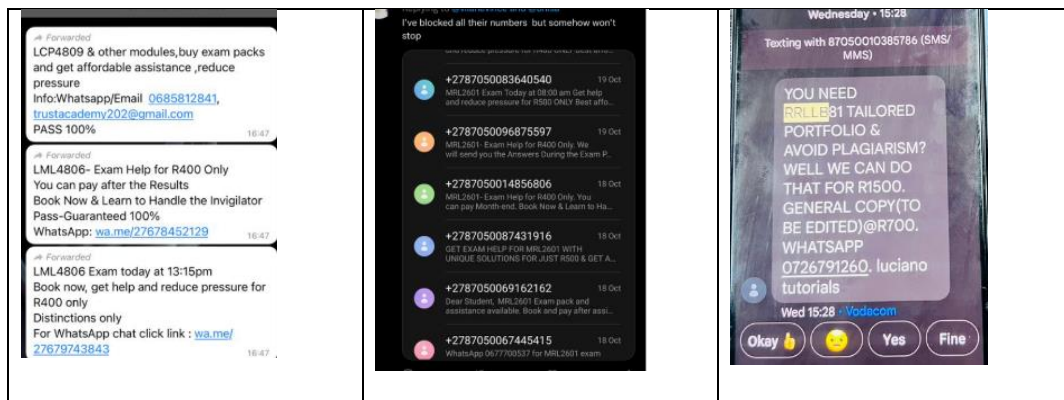
- *No report was submitted by the Department: Internal Audit on the possible prosecution of the suspected employees implicated in the leaked information. (Minutes of 10 November 2022)*

- e. At the meeting of 10 August 2022, the VC undertook to look into the matter and ensure that a report was submitted at the next meeting. As can be seen, there was no report submitted. However, the problem has not gone away, and students still received these messages in the most recent October/November examinations. The culprits still seem to have access to student's examination timetable as can be seen in the messages below:



<https://www.dailymaverick.co.za/article/2021-11-11-the-owl-is-watching-varsity-exam-cheats-but-tech-savvy-few-dont-give-a-hoot/>

f. Many students that I interviewed shared some of these messages with me, few of them below:



g. The outdated Privacy Statement (2014) on the UNISA website, states that UNISA may disclose personal information to third party service providers (point 6.1.3, see below) involved with delivery of its products and services. The problem is that students are contacted by fraudulent service providers and they might not know that it is not a legitimate UNISA Service Provider.

**DISCLOSURE OF INFORMATION**

- 6.1. *UNISA may disclose your personal information to third parties in certain circumstances, which include, but are not limited to*
  - 6.1.1. *Where we have your consent.*
  - 6.1.2. *Where we are required to do so by law.*
  - 6.1.3. *To our service providers who are involved in the delivery of products or services to you, where we have agreements in place to ensure that our service providers comply with these privacy terms as required by POPIA.*

- 6.2. *Third parties to which we disclose personal information include, but are not limited to*
- 6.2.1. *Service providers of UNISA.*
- 6.2.2. *Government agencies.*
- 6.2.3. *Professional bodies.*
- 6.2.4. *Regulators, courts, tribunals and law enforcement agencies.*

<https://www.UNISA.ac.za/static/myUNISA/Content/Learner%20support%20&%20regions/Documents/UNISA%20Privacy%20Statement.pdf>

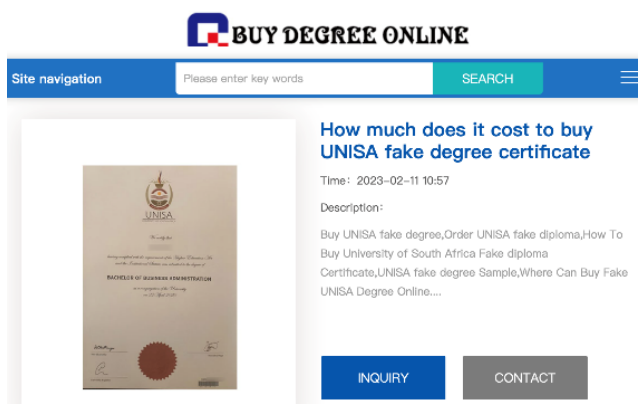
- h. In my interviews with students, they confirmed that as soon as they have registered for certain modules, they are contacted and offered tutorials and other assistance with their modules. Some students further confirmed that they were misled to believe that this was official UNISA tutoring. This may be plausible, if one considers the latest report on student disciplinary cases, explained that: The increase in disciplinary cases is caused by students enlisting the help of third parties to complete examinations, assignments, or any coursework. Students are paying for services to complete an exam or assignment.
- i. One academic put it this way:
- “ It is definitely happening. There are many people who see opportunities to use their positions to supplement their income – this is from low level administration right through the university. Everybody is looking at how they can leverage their positions to make additional income. This comes from selling student information – students receive a message two hours after registration from a training company offering to assist them in their studies. We have been investigating this for the last 6 or 8 years, and it does not get resolved. Our practices are sometimes problematic, and do not enable proper checks and balances and monitoring to pick up these problems. The sense is that it is by design – it is not one or two individuals that are problematic, there is a system that has been created and many people participating or colluding to make it happen. Now with the writing of exams in COVID, there were many stories of people being paid to write exams for others. I know that students are desperate to get qualifications, and people enable them from within. There are also targets for throughput on modules, and if you see it is not going the way it should, why not adjust it slightly and still get your performance bonus for the year. I think it could happen all the way through from registration through to final assessment. It is impossible in an organisation of this size to audit all processes all the time.”*
- j. It is clear that students’ personal and academic data are not secure on the student system and that fraudulent third parties have access to students’ mobile numbers, their module registrations and their examination timetable. Also, UNISA has known about this data breach for a long time already, but nothing has been done to stop the data from leaking. There are students

who are being misled by these fraudsters and accept some of the assistance offered to them, thinking that they are official service providers.

- k. I recommend therefore that UNISA urgently secure and protect all student data. In terms of POPIA legislation, the Information Regulator may impose significant financial penalties on UNISA. The University must also run a visible awareness campaign to inform all prospective and current students that these are fraudulent service providers and that if students make use of their services, they may face disciplinary charges.

#### 4.3.13 Lost Degree Certificates

- a. The Registrar is normally accountable for the overall management and coordination of graduation ceremonies and the certification process, and it is also the case at UNISA. During Covid-19 lockdown, the decision was taken to have virtual graduation ceremonies and to confer the degrees and award qualifications in absentia. Most, if not all institutions opted for this option given the stringent lockdown regulations in the country at the time. With the students graduating in absentia, institutions had to find ways to ensure that students receive their actual certificates via post, couriers, or at collection centres.
- b. In terms of best practises for certification, the Registrar's Handbook (2022, Lawson-Misra, N. et al.) recommends that the certification function be centralised under the office of the Registrar and segregated from academic departments to mitigate risk. Institutions have a responsibility to secure and protect their certificates (printed or not) at all costs. The reason for this is because of certificate fraud and falsified certificates. There is a big market for fraudulent and fake certificates locally and internationally as certificates serve as evidence of educational achievement needed or access to employment and further studies. A quick web search revealed that one can even buy a fake UNISA degree.



**BUY DEGREE ONLINE**

Site navigation | Please enter key words | SEARCH

**How much does it cost to buy UNISA fake degree certificate**

Time: 2023-02-11 10:57

Description:

Buy UNISA fake degree, Order UNISA fake diploma, How To Buy University of South Africa Fake diploma Certificate, UNISA fake degree Sample, Where Can Buy Fake UNISA Degree Online...

INQUIRY | CONTACT

<https://www.buydiplomasc.com/other/p7/491.html>

- c. To protect the integrity of the certificates, there are generally two mitigating mechanisms institutions can make use of:
- i. Internal control mechanisms – referring to policies, systems and processes related to printing of certificates, collection of certificates, safekeeping of certificates, distribution and dispatching of certificates.
  - ii. Security features on the actual certification paper.
- d. In 2014 the University of Johannesburg, implemented a new certification system to improve security features on the new certificates that included<sup>25</sup>:
- i. unique, controlled paper supply that has a genuine watermark for added security;
  - ii. a holographic visual deterrent giving extra protection from dishonest forging;
  - iii. UJ branded overprint of the hologram, giving extra protection from illegal counterfeiting;
  - iv. individual numbering system for each certificate for auditing and verification;
  - v. a heat reactive spot for instant certificate authentication;
  - vi. micro text security border; and
  - vii. micro-numismatic invisible UV anti tampering technology like banknote-level security.
- e. Rhodes University also published the security features of its degree certificates, so that the public would be able to verify to some extent the authenticity of a Rhodes qualification.

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<sup>25</sup> <https://www.uj.ac.za/news/uj-implements-advanced-certificate-security-features-to-prevent-fraudulent-qualifications/>



### RHODES UNIVERISTY DEGREE CERTIFICATES

#### Security features on an original Rhodes University degree certificate

(with effect from April 2020)

1. **Watermark** – A clear ink printed across the face of the document that can be noticed on the original if held at an angle. This watermark doesn't show up on a colour copy of the same document. It therefore makes it impossible to colour copy.
2. **Silver Toner** – Silver toner is used to incorporate a subtle drop shadow behind text. It enhances the look of the document but also makes a colour copy impossible to pull off, as the silver toner doesn't show up as silver on the copy.
3. **Microtext** – A small font, so small that you need a magnifying glass to read the words. Without a magnifying glass, it simply looks like a line on a page. This font, just 1/100th of an inch high, is designed to help make valuable documents with personal information on even harder to forge. If a copy is made, the text is illegible, even when using a magnifying glass.
4. **Variable Data** – A unique number/code (e.g. student number) is printed on each parchment, in any position. This number/code can also be replicated in the Microtext, to be cross referenced to prove authenticity.
5. **Embossed Crest** – The embossed crest on each document serves as an added security feature.
6. **QR Code** – A unique QR code can be printed on each certificate which can be scanned with a cell phone or scanner to confirm authenticity. Once scanned, the QR code will direct you to a secure, managed site, where the document is verified, showing a digital copy of the actual document, along with details on the recipient.

*\*Please note that Rhodes University does not confirm or verify their own qualifications nor confirm dates of attendance. This is done through a company called MIE Kroll who run the National Qualifications Register.*

  
 Academic Administration Manager  
 Registrar's Division

[https://www.ru.ac.za/media/rhodesuniversity/content/graduationgateway/documents/Security\\_features\\_on\\_an\\_original\\_Rhodes\\_University\\_degree\\_certificate.pdf](https://www.ru.ac.za/media/rhodesuniversity/content/graduationgateway/documents/Security_features_on_an_original_Rhodes_University_degree_certificate.pdf)

- f. During my interviews with staff working with certification, I was shocked to hear that UNISA's certificates do not have any security features, other than the watermark. I am concerned about the integrity of the certificates when it has only a watermark as a security feature.
- g. I note that the Policy on Issuing of Certificates (I am not sure when last it was approved, the document has 3 dates, 2008, 2006 and 2005) does not make any reference to security features, not even the watermark. It states under principles the following:

- 3.1 The production of certificates for formal and short learning programmes is centralised at the Department: Contact Centre, Graduations and Records Management, Division: Graduations.
- 3.2 Format for certificates for formal qualifications
  - 3.2.1 An A3 format will be used.
  - 3.2.2 A red seal will be used and such seal will be embossed with the official UNISA Coat of Arms.
  - 3.2.3 The certificates will be signed by the Principal and Vice Chancellor, Registrar and the Executive Dean of the College concerned.
  - 3.2.4 The UNISA Coat of Arms will be pre-printed at the top of the certificates.
  - 3.2.5 No duplicate certificates will be issued. Only a letter on an official UNISA letterhead with the relevant information will be provided, if requested.
  - 3.2.6 Certificates for formal qualifications will be awarded at official University graduation ceremonies.

- h. At most institutions, once a certificate is lost, stolen or destroyed, an institution provides a declaration confirming the qualification, but a certificate is never re-issued. In the very rare instances of mistakes, the faulty certificate must be submitted back to the institutions before a corrected version can be issued. The rationale is that there is only one true accurate and correct version of a certificate at all times. Each certificate is considered an original legal document. At UNISA it is the same.
- i. The Policy on Graduation Ceremonies (2016) also states the following on reissuing of certificates and refers to internal controls and measures related to the distribution and collection of certificates:
  - i. A degree/diploma certificate cannot be issued to a candidate before the qualification has been conferred/awarded at a graduation ceremony.
  - ii. Certificates are not re-issued. A statement confirming that the qualification was awarded at a graduation ceremony can be issued on request. A certificate can only be re-issued if the university made a printing error or in the event of a damaged certificate (issued after 2005) that is being returned. The certificate will be revoked and cancelled and a renewed certificate issued.
  - iii. The Division: Graduations ensures that certificates awarded in absentia are posted by registered mail to graduates and diplomates.
  - iv. Should a certificate be claimed in person after the graduation ceremony a candidate must submit proof of identity (e.g. identity document, driver's license or passport).
  - v. Any third party who collects a certificate on behalf of a candidate must provide the candidate's written consent together with proof of identity prior to such a certificate being handed over.
- j. During Covid, all qualifications were awarded in absentia and certificates had to be delivered to students. According to the above Policy, this was supposed to be via registered mail. One staff member explained what happened as follows:

*“During COVID, we worked from home, and we had to come to the office to issue certificates. We used (a courier company) because the Post Office was not effective during COVID. Some certificates could not be delivered to students, but they were also not returned. There are students who come here to ask after their certificates, when we identify that they never received them. Sometimes their certificates were received by another family member, so we are unable to say how many certificates were lost”.*

- k. Another staff member stated that the terms of the agreement with the courier company, never stated that the delivery must be based on confirming person of consignee. In other words, it was not a requirement that a student identifies him/herself as the person the certificate is for, prior to the courier company handing over the certificate. Consequently, the courier company does not have a record or log of which certificates were handed over to whom.
- l. Another major failure was that certificates were handed over to the courier company in bulk, and it seems that there is no record of exactly which certificates were handed over, and on what date. It was reported that two of the courier trucks were hijacked and the company confirmed that these batches of certificates were stolen or lost.
- m. In one interview a staff member stated that there was a huge problem with the courier process, specifically:

*“There was a bunch of certificates that ended up in some village in Mpumalanga, which we had to retrieve. We opened a police case, but it was thrown out. This is only one scenario that we know about. I know the other scenario in Nelspruit, where the courier guy was distributing certificates on the border gate. In Bloemfontein, the contract was given to a (courier company), and they sub-contracted others, and somehow the payment was not done so the sub-contractors kept those certificates and they decided to sell those certificates”.*

- n. I received different messages and conflicting information on how many students were affected by this failed courier service. Because there is no record or log of the certificates handed over to the couriers and no record of the person signing for the certificates, it is not possible to confirm the numbers and UNISA is dependent on students coming forward to enquire about where their certificates are because they never received them. See emails below, for example.



<b>1) Email from Student</b>	
<p><b>From:</b> [REDACTED]  <b>Sent:</b> 12 March 2021 09:41  <b>To:</b> [REDACTED]  <b>Subject:</b> Certificate delivery [REDACTED]</p> <p>Dear Sir</p> <p>I kindly request your assistance in getting my Degree Certificate which has not been delivered to me. I graduated in absentia due to the covid pandemic early in December last year. The message I got shortly before the graduation date said that a certificate will be delivered to me via the courier in 15 days after the graduation date and up to today no delivery has taken place.</p> <p>Early in January this year I contacted the courier company (Skynet) responsible for delivering the certificates to students trying to track the certificate's whereabouts and they told me that they have returned all certificates back to UNISA and I did not get the reason for that. I have since sent several e-mails to the University about the delivery and no response and the e-mail I was sending to was <a href="mailto:gaudeamus@unisa.ac.za">gaudeamus@unisa.ac.za</a>.</p> <p>Thanking you in advance for your co-operation on this matter as it is of utmost importance to me.</p> <p>Kind Regards</p>	
<b>2) The University's Response</b>	
<p><b>From:</b> [REDACTED]  <b>Sent:</b> Thursday, 18 March 2021 10:57 PM  <b>To:</b> [REDACTED]  <b>Cc:</b> [REDACTED]  <b>Subject:</b> FW: Certificate delivery [REDACTED]</p> <p>Good day,</p> <p>Your certificate was couriered on 13 November and was not returned to us unclaimed.</p> <p>I have copied Skynet herein to confirm what happened to your certificate. I have also copied my supervisor to assist with the way forward.</p> <p>Let's wait to hear from Skynet first and then my supervisor will inform us what the way forward is.</p> <p>Yours sincerely,  [REDACTED]</p>	

- o. A staff member reported that they are aware of about 28 cases where students have come forward claiming to have not received their degree certificates. He stated that the plan is to get ManCom approval to reprint these (28) certificates, as it is currently against the policy.
- p. The minutes of the ManCom meeting on the 23<sup>rd</sup> of August, states the following:
  - i. Reprinting of Music certificates (26 July 2022, item 5.9.3)
  - ii. The Committee had resolved that a submission be prepared of a formal process to be undertaken for all the lost certificates and the relevant audit process of the relevant students. It had been noted that a clear system was required to determine which certificates had been dispersed to students and the tracking and tracing systems that had been used by the post office.

- iii. Prof Mothata had been requested to address the issues of lost or non-delivered certificates through the reconciliation of information with Mr Motebele for finalisation in August 2022.
  - iv. Ms Nakene and Prof Mothata were also to investigate the use of radio frequency identification (RFID) and digital signifiers such as bar codes to track and trace the certificates in the system and to prevent fraudulent claiming of certificates.
  - v. The item was not discussed.
- q. And at the ManCom meeting on the 27<sup>th</sup> of September, the following is stated:
- i. Reprinting of Music certificates (26 July 2022, item 5.9.3)
  - ii. The Committee had resolved that a submission be prepared of a formal process to be undertaken for all the lost certificates and the relevant audit process of the relevant students. It had been noted that a clear system was required to determine which certificates had been dispersed to students and the tracking and tracing systems that had been used by the post office.
  - iii. Prof Mothata had been requested to address the issues of lost or non-delivered certificates through the reconciliation of information with Mr Motebele for finalisation in August 2022.
  - iv. Ms Nakene and Prof Mothata were also to investigate the use of RFID and digital signifiers such as bar codes to track and trace the certificates in the system and to prevent fraudulent claiming of certificates.
  - v. A report would serve at the next meeting.
- r. I have yet to find an official report from the Registrar on this matter. Staff working in the Graduations office are very frustrated, in a submission made to me it was stated:

*"To date we have students who have never received their certificates. Graduation staff had meetings with the Registrar and former Deputy Registrars to pave a way forward regarding these certificates, but with no success. Two years later there is no resolutions on the matter. Students are still suffering because there is no definitive decision or timelines. Currently we cannot reprint certificates that were lost by (the courier company) and the response from the Registrar is: "pending a ManCom decision". Daily disgruntled students stream to our office, and we unfortunately must provide them with the Registrar's response. It is unfortunate that the Registrar has not acted decisively, motivating the re-issuing of these certificates at ManCom, or requested a proper and full investigation into (the courier company) services. The certificate policy only allows us to provide these students with a statement in lieu of a lost certificate, and as they never received the original certificate, leaves them feeling sad and irate due to the incompetence of a service provider. These students also feel that it places them at a disadvantage when seeking employment. This has also led to many a tense situation with accusations made and foul language by students and parents regarding the non-reissuing of certificates as well as the fact that the Registrar is not willing to respond to their e-mails or grant*

*them a face-to-face meeting to address the issue. Unfortunately, we as staff must bear the brunt. Our concern as staff is there was no formal investigation done after the certificates were lost by (the Courier company)".*

- s. My overall observation is that UNISA made use of courier services that resulted in losing an unknown number of certificates during 2020. Secondly, the University is not able to provide factual information or a reconciliation of certificates. This is a huge institutional reputational risk that threatens the integrity of its qualifications. Thirdly, UNISA does not have any security features on its certificates other than the watermark. This situation is a governance and management failure and there seems to be no accountability or consequence management being implemented. I am not sure if UNISA is realising the reputational risks associated with this failure.
- t. I therefore recommend that UNISA investigate and report on the status of lost certificates. There must be a full reconciliation to account for all certificates as well as the lost certificates. Consequence management must be implemented, and responsible staff must be held accountable. Furthermore, UNISA must urgently consider implementing more security features on their certificates, as the watermark alone, is just not sufficient.

#### **4.3.14 Conclusion**

- a. In March 2022, the ED: Quality Assurance and Enhancement, appointed a Peer Review Panel to conduct a review of UNISA's Registrar's Portfolio. The main purpose of the review was to undertake a verification process of the Registrar's Portfolio Self-Evaluation Report as part of continuous improvements and in preparation for the Council on Higher Education's (CHE) quality assurance audit scheduled for April 2022. The conclusion of the review read as follows:

*Despite the systemic and structural challenges that may have developed over time and may be beyond the ability of individual staff members to 'fix' the Panel have arrived at the following outcome of the audit: The Registrar's Portfolio is functional as it meets the minimum standards and criteria set out in the Portfolio Audit Framework and there is room for improvement. An improvement plan must be developed and its implementation must be monitored by Department of Quality Assurance & Enhancement (DQAE). The outcome of this Audit presents an opportunity for restructuring the Registrar's Portfolio for increased efficiencies.*

- b. My independent assessment of the same portfolio, however, comes to a different conclusion. The panel acknowledges systemic and structural challenges in the portfolio, but still concluded that the portfolio is functional. My conclusion on the contrary, is that the Registrar's portfolio is seriously dysfunctional on the basis of the following:

- 
- i. After reviewing the structure and functions of the Office of the Registrar, including the Dean of Students and the Regional Model, I find serious risks and concerns related to the size of the portfolio, staffing and poor consequence management.
  - ii. Most policies are outdated and not applicable anymore.
  - iii. I find very little evidence of a student centric culture at UNISA with substandard levels of service delivery across most functions from application to qualification audits.
  - iv. I felt the frustration that students experience when their enquiries are ignored. Hence, they turn to social media for a voice.
  - v. Students' needs are not considered in decisions made on mode of assessment, or when results are not released in time.
  - vi. UNISA fails students when it comes to creating a supportive environment. Students at UNISA are rather victimised than vindicated when more than 10000 students are flagged for academic misconduct, but only 200 found guilty.
  - vii. UNISA is failing students that completed their qualifications but must wait up to 6 months for confirmation thereof.
  - viii. UNISA is not able to protect students' data and students are exploited by fraudulent tutors.
  - ix. The integrity of all the qualifications is at stake with an unknown number of degree certificates lost, and when the only security feature on the certificates is a watermark.
- c. I have made various recommendations throughout the report, that must be considered if UNISA is to address the shortcomings that have been identified as far as the Office of the Registrar is concerned.

## 4.4 Finance and SCM

In this section I discuss the state of policies in general, followed by a discussion of the Operational Investment Committee (OIC) Policy and supply chain processes. This is followed by a section that deals primarily with examples of financial irregularities, particularly about SCM, including policy deviations, disregard for due process and other questionable management decisions concerning finance. This classification is not watertight; there are SCM deviations and financial irregularities across all the examples that are provided. The examples described are not exhaustive of all instances of irregularities, yet I believe they are sufficient to be illustrative of the environment and to support the conclusions that are arrived at in this report. I conclude with a section on the Audit function, UNISA Enterprises (Pty) Ltd, an analysis of UNISA's financial statements for a five-year period and allegations that have been made against the VC.

### 4.4.1 Policies

#### 4.4.1.1 Policies in General

- a. In this section I report on an overview of the policies that guide the University's operations. The SCM Policy and procurement processes, as a major source of financial irregularities, are discussed in the next section.
- b. Policies are published on UNISA's internal web, styled "e-connect" and me and the team were given access to this portal. According to the "Policy: Policy and Rules Formulation", approved by Council on 29 July 2005, a new policy/rule is created when the need for such policy or rule arises. ManCom considers whether such policy is indeed needed, and, if so, in a consultative process, the initiator of the policy/rule prepares a draft policy/rule, which is then forwarded to the Legal Services Office, which is responsible to ensure legal compliance and consistency. Upon recommendation by ManCom and Senate (if applicable), Council finally approves. It furthermore states that a Policy/Rules Register must be maintained containing all the policies of the institution, which register must be kept by the Registrar (Governance) and administered in co-operation with the Legal Services Office. The most recent form of a policy must be available on the intranet and communicated to persons "...to whom such policy/rule apply."
- c. The policy referred to in the previous paragraph, published on e-connect (in para. 7.2), states the following: "The changes and transformation within the Institution require a continual review of policies/rules, as and when required, but at least once a year, in order to ensure that such policies/rules remain applicable." I find it ironic that a policy document that requires the annual review of policies, itself was approved 17 years ago.

- d. A scrutiny of policies published on e-connect, reveals that policies are published under the categories of Corporate, Communication and Marketing, Community engagement and outreach, Delegation of decision-making authority, Finance, HR, ICT, Library, Research, Security and emergencies, Student affairs, Teaching, learning and student support, UNISA foundation and alumni affairs and University estates (Accessed on 15 November 2022.)
- e. An overview of policies on e-connect suggests that a wide variety of policies have been formulated, as would have been expected from an institution that have been in existence for as long a period of time as UNISA. It is clear that policies have been formulated over time to suit the needs of the University at a particular point and the extent of these policies should be viewed within the context of these particular circumstances.
- f. However, a sample of policies selected under each category indicates that most policies were created or updated between 2005 and 2019. There is no evidence of annual updating, as required by the Policy on Policy and Rules Formulation, referred to above.
- g. In an interview on 14 October 2022, the CFO indicated that he takes responsibility for policy updates and relevance and for making sure that all policies are reviewed annually and are presented to the relevant committees for approval. He conceded that some of the policies on the Intranet are outdated, consequently line managers are the first port of call for the latest version of policies, a weakness, he points out, that should be addressed. Regarding the apparent lack of the regular updating of the policy documents that appear on UNISA's internal web, I was informed that in many instances policies are being updated by the originating unit and forwarded to Legal Services for approval and publishing on the internal web, yet such publication is often not timeously effected, with the result that staff are not aware of updated policies, hence compliance to such policies is compromised. This situation is typified by one respondent as a "*..pervasive culture of opportunism and not caring*". I was also informed that the review of policies had previously been outsourced to firms of attorneys, but that the results of that exercise were less than favourable, hence the LSO has again assumed full responsibility.
- h. Given the key role of the LSO in the administration of policies, I invited the Acting ED: Legal Services to appear before me where he was afforded the opportunity to respond to this assertion, but he was unfortunately rather evasive in his responses, and he was unaware of the fact that annual review is required. The Acting ED stated that the LSO had been given instruction to review all policies by 30 November 2022, but due to capacity constraints, it has not been able to complete this. Ordinarily, the management of Policies is a function of the Records Management Division that would have a legally trained official to ensure legal compliance, a database of updates and consistency across the institutions. The fragmentation that is pervasive

across the university is self-defeating. I was informed that the Records Management Division is rendered ineffective at the institution.

- i. Information Governance is a serious compliance matter for institutions and other entities. Policy management, which requires, amongst others, administrative diligence by a custodial functionary, is fundamental to ensuring regulatory compliance. In addition, it serves as a critical tool in risk management processes and litigation protection. It is my view that such diligence is absent in the UNISA policy administration hierarchy, hence the University's management processes are undermined, and compliance is jeopardised as many policies are outdated and it is often unclear if it is the latest version of a policy that is available on the official repository. Policies are clearly not updated on an annual basis, as is required by UNISA's own policy in this regard. I could not find any system in place to support compliance, nor of a structured process to provide training regarding university policies. In these circumstances, it becomes clear why non-compliance is pervasive and why irregularities, such as those that are described in this report, are almost commonplace.

#### 4.4.1.2 *Supply Chain Management policy and processes*

- a. The SCM Policy is available on e-connect. This policy encapsulates many of the principles embedded in the Public Finance Management Act no 1 of 1999 (PFMA), specifically the Regulations on SCM, although it has been styled to accommodate UNISA's circumstances, as could be expected. As such, the policy *per se* is comparable to and on similar standard as similar policies in similar institutions.
- b. Nevertheless, I have received several submissions alleging gross misconduct and financial irregularities in the SCM space, some of which are detailed in this document. During interviews with stakeholders, many raised some form of concern about the supply chain/procurement processes. These concerns range from allegations of fraud and corruption to disregard for SCM policy and procedures to concerns about cumbersome processes that can lead to stakeholders being tempted to devise "shortcuts", thereby rendering the process vulnerable. Allegations that SCM was "captured" were also made. At a meeting of AERMCoC held on 5 March 2021, the chairperson noted that a report received from the previous VC, referred to suppliers being approached for bribes when their appointments had already been confirmed through SCM processes. An "unusual situation" is also noted where contracts relating to service providers who had been approved through SCM processes, could not be awarded because they had failed due diligence processes.
- c. Specific deviations are discussed in this report. They include, amongst others, procurement in the Legal Services Department, procurement in the Facilities environment, notably for Cloghereen, the VC's official residence, procurement of data and services, the Laptop advance

- scheme and procurement of Airpods, dongles and SIM starter packs. The appointment of a company that provides external publications and communications services was approved by ManCom without following SCM processes. An internal audit report dated 17 March 2021 revealed at least 34 UNISA suppliers whose tax status have expired.
- d. These events are by no means an exhaustive list of procurement failures, they merely serve to illustrate the extent of the more recent breakdowns in internal controls and lapses in sound governance principles and practices.
- e. It is important to note that the procurement function is a process that permeates the whole of the University and, except for small value procurement, no single department is responsible for executing on the full process, which, in itself, is a sound principle of internal control in that responsibilities are divided amongst role players in such a way that no single person is able to initiate and complete a transaction on his/her own. In essence, the procurement process originates with a requesting unit, and depending on the monetary value, can pass through and need recommendations and approval by various committees, including Technical/work committees, a Tender committee, Internal Audit, ManCom, FIECoC and Council. The Department of SCM, headed by a Director who reports to the CFO, manages the process and is responsible for the administrative arrangements and compliance to UNISA policies. Should malfeasance occur in the procurement process, it could originate in any of these structures. SCM has the responsibility to oversee recommendations of the end user and liaise with the end user, and eventually agree with the end user before giving the go-ahead for the process to proceed. Collaboration in this process could lead to malfeasance that could be difficult to uncover.
- f. Given the extent and nature of irregularities described in this report, it is not inconceivable that a network of people within and outside of the University are in cahoots to defraud the University for nefarious ends. In one submission it is alleged that an enterprise development workshop presented by the University to suppliers had been used as a forum to form networks to manipulate future tender processes. It has also been submitted that prescribed tender processes may be circumvented by so-called "evergreen contracts" in terms of which a particular contract remains effective for an unspecified period of time.
- g. The External Auditors note in their management letter for the year ended 31 December 2021 that there were 14 unresolved cases of possible conflicts of interest for the finance team and ManCom. This could result in procuring from parties where an unresolved conflict of interest exists. They recommend that processes should be implemented to ensure completeness of declarations of conflicts and that consequences should follow for members who are found not to have declared their business interests. Processes should be implemented to ensure that possibly conflicted parties do not participate in procurement processes. Also, possible conflicts of



interest between Grade 1 and Grade 2 members and vendors, may exist; SCM should ensure that such declarations are filed before awards are made. In an interview, I was also informed that the VC insists that no tenders be discussed in ManCom without her being present. Submissions have been received that suggest that Council members or previous Council members may be involved in tendering processes (see also “Reportable Irregularities”, discussed elsewhere in this report). The external auditors note that a potential conflict of interests between a vendor and a Council member was discovered in that the same address was listed for both.

- h. In terms of the Policy, for amounts procured under R800 000, the rigorous procurement process requiring a tendering procedure, do not have to be followed. In such cases quotations need to be obtained, which leaves the process open to abuse, since less structures and people are involved. It becomes a matter between the requestor and SCM. Several submissions refer to this area of procurement as a source of many irregularities, such as tender splitting.
- i. That SCM is also a concern for the CFO, is clear. In an interview he asserts that his biggest area of concern is SCM. **In the CFO portfolio risk register, reported as part of the monthly financial accounts for the period ended October 2022, fraud and corruption is ranked the second highest risk in this portfolio.** Mitigating measures to combat fraud and corruption are listed as an integrated ERP aligned to business needs, transparent processes, free from influence and interference and the implementation of a zero-tolerance approach for financial misconduct.
- j. The Ethics Management section in the University occasionally assesses the status of ethics in the University by way of surveys amongst stakeholders, styled the “Ethics Execution Index”. The latest version presented to the Ethics Committee showed that the index, based on staff perceptions, fell by 27% since 2015.
- k. The position that the Procurement Department takes with regard to deviation of the SCM policy, is similar to that of National Treasury, i.e. to get approval first before the deviation, rather than afterwards. Consequently, SCM has devised a mechanism to deal with non-compliance to the SCM policy in the form of a document, F45, which requires a unit that does not comply to policy, to complete and have it signed off by its line manager before procurement actually happens. It is then up to the line manager to take appropriate steps, or have appropriate steps taken against responsible staff members. There is no structured process or mechanism, as far as I could ascertain, to ensure that such appropriate steps are indeed taken in all cases, hence the **notion of consequence management, largely remains an aspiration**, rather than an essential management tool. **In their management letter on the audit for the year ended 31 December 2021, the auditors refer to an audit finding for the 2020 financial year in terms of which deviations from SCM policy to the value of R110m were found, yet without consequences for**

**the responsible parties. It concludes that the University has failed to implement a culture of accountability.**

- l. I have also received submissions that a too strict adherence to relatively minor administrative detail in tender documents sometimes lead to the exclusion of a tenderer to the ultimate detriment of the University. Such details, it is believed, should be followed up and corrected at the preparation stage, to avoid suspicions that such situation had been orchestrated to exclude a specific tenderer. In an issue that was, according to a submission, raised by the Tender Committee and the Audit Committee, **it was noted that out of 30 tenderers, only 2 or 3 would qualify for technical evaluation, one of the reasons being disqualification on administrative compliance.** According to the submission a tender was disqualified for a lack of a signature on one page, although the tender document ran into 200 pages; another described “a very large company” that participates in many tenders who have been disqualified because of an absent tax certificate. According to one submission received: “Sometimes things just did not sound right, and one wonders why certain companies were excluded”. In a Probity Report, issued by Internal Audit (PT2019/13) it is stated that “...(I)t has been held in various court decisions that it would be unfair to disqualify a bid on the basis of minor administrative non-compliance where such has no bearing on the scoring of the Bids.” Questions are being asked about how big corporates can miss relatively minor information in a large tender, while small entities are able to comply.
- m. The Purchasing Consortium of Southern Africa (PURCO), a not-for-profit company, is a purchasing consortium for Higher Education institutions, whose main objective is to procure goods and services on behalf of such institutions. Since such a consortium is able to procure large volumes, it is (mostly) able to negotiate terms and conditions that individual institutions may not be able to secure. According to the CFO, who had met with representatives of PURCO earlier, he was informed that UNISA was once the biggest procurer of all universities, which is no longer the case, ostensibly because “*..the structure was not designed to serve UNISA*”.
- n. I have received several submissions regarding slow and cumbersome SCM processes. One submission lists “the biggest issue” in SCM as the lengthy period of time from the start of the process until the appointment of a provider, which could allegedly take more than a year. Several submissions indicate that this should be addressed by capacitating the SCM office and appointing people with appropriate skills and experience. The CFO asserts that, given the size of procurement at UNISA, SCM should be managed by an ED and should have adequate numbers of staff with the required skills. It is evident from this thinking that populating the management echelons with not only senior positions, but more administrative / support staff, will continue to undermine needed academic corps.

- o. An investigation into SCM processes was initiated as early as 4 December 2019 when Council decided that FIECoC should commission such an investigation, including timelines, pipeline and concluded projects as well as their impact on the University. An audit report on concluded tender processes was to be included. Also, "...a review of the SCM Policy (should) be conducted, including the turnaround time for tenders." (5.7). Almost two years later, on 25 November 2021, Council noted that a review of the SCM policy had been completed and that "...the academics were being consulted on it." It also noted that the policy would be submitted at the next meeting of Council. Unfortunately, this was not to happen, as the VC had raised issues regarding the business case of SCM before signing off. Again, Council noted that the policy would be submitted at its next meeting. Unfortunately, this did not happen either. In a note to a document entitled "Matters outstanding from Council Meetings 25 November 2021" it is stated that "(T)he policy was put on hold to allow the conclusion of the SCM Turn Around strategy as its provisions has implications for the SCM policy. The SCM turnaround strategy will be taken to the upcoming FIECoC meeting and the SCM policy will then be submitted for approval by Council at the 24 June 2022 meeting." Unfortunately, also this did not happen.
- p. Apparently, the Turn Around Strategy was referred to an Extended Management meeting by ManCom, noting that procurement delegations accompanying SCM policy had been referred to a FIECoC workshop. Upon the conclusion of these workshops, policy changes would be submitted to the next meeting of Council. Yet again, this was not forthcoming. In a document, dated 14 September 2022, on outstanding matters from Council meetings, a note reads: "Deferred to 2023 pending the finalisation of the DOA document." This is a confirmation of many accounts shared with the Assessment Team by staff, students and some members of Council itself, that Council lacks the urgency to conclude matters, thereby rendering it ineffective in certain respects.
- q. In an interview, I was informed that the reason for the delay could be "...because it benefits certain people." One of the causes of the delay during the latter period is internal differences of opinion with regard to the nature of SCM, i.e. should it be decentralised to the extent that academic departments within the University, for instance, Colleges, are able to procure to a certain extent without having to access the central procurement system, versus a University-wide central procurement system, as is currently in place. The latter is favoured by SCM, while the VC strongly favours a decentralised system. In an e-mail dated 27 October 2022 to *inter alia* the CFO and colleagues in the Finance Department and the LSO she asserts that "... A decentralised model which is comparable to most research intensive and successful university (sic) is more FEASIBLE and a proposed trajectory for the future." She continues to list a number of advantages to such a decentralised system, *inter alia* that legacy inefficiencies would be addressed, and University innovations be "catalyse(d)". She asserts that "... UNISA supply chain

systems and the length they take to conclude are detrimental to the success and efficiencies of the University, thus plunging the university to almost a state of paralysis where the academic project gets compromised.” She notes that a turnaround strategy to be activated in 24 months (as has apparently been suggested by SCM) would be unacceptable and would “...*be the most maladroït and inefficient turnaround strategy*”. She sets a final deadline of 27 February 2023 for an effectively implemented turnaround strategy. Council noted at its meeting on 14 September 2022 that consultations with stakeholders had been concluded regarding the SCM policy. Although there were differences of opinion, the policy would be tabled at the next Council meeting of 24 November 2022. However, the policy was not presented at the November meeting, nor at the December meeting of Council, as the VC requested that it be postponed to 2023, since certain related matters still needed finalisation. Resistance and inordinate delays in implementing a Turn-Around Strategy for a function that ranks 2<sup>nd</sup> highest on the Risk Register, and has certainly been one of the subject for allegations of corruption and irregularities, is clearly a governance and management failure.

- r. The many SCM deviations and transgressions described in this report merely serves as examples of malfeasance and financial irregularities that undoubtedly permeate SCM processes in the University. Conspiracies to defraud the University may reach into the highest level of decision making, as is evidenced by the report of the external auditors to IRBA about a particular reportable irregularity in terms of the APA. Allegations of fraud, corruption and the “capturing” of SCM processes are not beyond the realm of the possibility.
- s. The University is currently engaged in a process to restructure SCM processes and to effect consequential amendments to the SCM policy and related Delegations of Authority. This is to be welcomed, but given the fact that this process started as early as 2019, finalisation on this key matter is clearly substantially overdue. That a critical and key document in the governance processes of the University, such as SCM Policy, could take three years without being finalised, does not reflect well on the University’s management. However, finalising a policy does not mean that all or any of the issues relating to SCM as described in this document would be solved, but it would at least provide a stable basis from which management can go forward in resolving them. More importantly, though, is compliance to policies, governance frameworks and principles. As is being concluded elsewhere in this report, compliance is an area of prime concern in UNISA.
- t. The PFMA requires in s 55(2) that financial statements of entities that have to comply with the PFMA should disclose particulars of “...material losses through criminal conduct and any irregular expenditure and fruitless and wasteful expenditure that occurred during the financial year..” and “... any criminal or disciplinary steps taken as a consequence of such losses or irregular expenditure or fruitless and wasteful expenditure..” The PFMA does unfortunately not apply to

institutions of Higher Education and the Higher Education Act does not include a similar requirement. In this report, I am making a recommendation in this regard.

- u. Since PURCO is deemed an appropriate procurement channel for most South African Higher Education Institutions and actually amounts to the “outsourcing” of procurement arrangements, it is questionable why its structure would not be suitable to UNISA. That does not imply that all procurement should be channelled through PURCO, since circumstances may sometimes dictate an in-house approach. Nevertheless, I cannot find any reason why a major portion of procurement could not be directed through this channel.

#### **4.4.2 Financial irregularities, specifically with regard to Supply Chain Management**

##### **4.4.2.1 Legal Services Office (LSO)**

- a. I received several submissions of alleged irregularities in the LSO. These alleged irregularities include:
  - i. appointment of staff without following prescribed appointments procedures.
  - ii. appointment of firms of attorneys that are not on the UNISA approved panel of attorneys and in violation of the prescribed SCM policy, which firms, in certain instances
    - o overcharged or double charged for services rendered,
    - o charged for services not rendered, or
    - o are inexperienced.
  - iii. appointment of “consultants” without following prescribed SCM procedures and remunerating such consultants through firms of attorneys where they ostensibly are employed. In some cases, these consultants are
    - o inexperienced, or
    - o not registered as attorneys or advocates.
  - iv. appointment of consultants and firms to perform legal work that UNISA’s own staff is capable of doing.
  - v. requesting payments to firms of attorneys and consultants without following prescribed approval procedures.
  - vi. appointing personal bodyguards for the Acting ED and remunerating them via payments to firms of attorneys.
- b. I am unable to substantiate all the above allegations, but an objective overview of invoices submitted for payment through the finance system indicates, *inter alia*, that there is *prima facie* evidence that the University has in some cases been grossly overcharged for legal services

rendered by specific firms of attorneys. The address of one of these firms is in Vryheid, Kwazulu-Natal, which raises a question as to the reason why UNISA would appoint a legal firm that is far removed from its central operations in Pretoria. I understand that the relevant firm has in the meantime also opened an office in Pretoria.

- c. In my interview with the Acting ED: Legal Services, questions were put to him to establish the veracity of the allegations, but he was unfortunately rather uncooperative and not forthcoming in his responses. Regarding the appointment of firms of attorneys not on the approved UNISA panel, the Acting ED acknowledged that such appointments are frequently made based on factors such as race, transformation, gender, specialization, capacity and the interest of the University. No predetermined rates are negotiated in these cases and fees are based on the experience of the person appointed, the complexity of the work performed as well as amounts charged previously for similar work. I was presented with oral evidence that there has always been a perception that there were too many white people employed in the office. At the time of the assessment, only one white legal practitioner was working in the office. Even the previous ED's position was allegedly that white firms that are on the panel, are being favoured. The Acting ED consequently instructed staff that Black firms that are not on the panel should be appointed, claiming he "would deal with it" and obtain approval for such appointments.
- d. When it was put to the Acting ED that factors such as those mentioned that are considered when appointing a firm of attorneys who is not on the UNISA approved panel, presumably had already been taken into account during the tender process of establishing the panel of external attorneys, he responded that he is able to appoint whoever has the capacity and skills required. The appointment process entails that he forwards a note to the VC, who approves the appointment. When requested to furnish me with copies of such emails, the Acting ED responded positively, but at the time of writing, no such copied emails have yet been received. When asked whether the qualifications of appointed attorneys are considered, the Acting ED refused to respond as the matter was being investigated by the Public Protector.
- e. **An overview of the list of legal firms that are on the UNISA approved panel indicate that, judging by the names and BBBEE score of those firms, a substantial number of them would certainly meet the race, gender and transformation criteria cited by the Acting ED as reasons for appointing firms that are not on the panel. This unfortunately raises questions as to ulterior motives behind such appointments.**
- f. In a document headed "Designation and Delegation of Authority" dated 1 September 2021, the Principal and VC designates the ED: Legal Services for the period 1 October 2021 to 30 September 2022 "... in his capacity and responsibilities in all legal matters which is against and for the University as the Acting ED: Legal Services...and assign to him the powers, duties and

responsibilities, as conferred or imposed on me to act as an approver of legal action as required by item 12.5 of the Delegation of Decision Making Authority Policy". It further states: "The scope of his mandate will include the necessary power to fulfil all legal formalities in approving the appointment of outside legal advisors/practitioners to act on behalf of the University of South Africa and to defend all legal actions against the university." **Whether this delegation in itself is a valid document in terms of UNISA's own Delegations of Authority, is uncertain and essentially a legal question on its own, hence I do not express an opinion on this matter.**

- g. Allegations have also been received that this designation was actually drafted on 29 June 2022 by a staff member in the LSO and then backdated to render many of the allegations listed above null and void. However, even if this is the case, it is unclear whether the wording of the document actually achieves this purpose.
- h. When the SCM policy is violated, as is alleged in a number of cases in the LSO, for instance where procurement processes have not been followed during the appointment of external legal firms, on request for payment for these services, the SCM staff is presented with the dilemma that, since the services have ostensibly been rendered, payment could not legally be refused. SCM staff cannot be expected to have technical expertise in all goods and services that are procured across the University. In order to address the dilemma that payment has to be made for services rendered and goods delivered as service providers cannot be held responsible for lapses in internal procedures, SCM requires the completion of form F45, a mechanism devised to approve deviation of the SCM policy for sign-off by the relevant line manager in whose portfolio the project resides. It is up to the line manager to then take appropriate steps, or have appropriate steps taken against responsible staff members.
- i. Oral evidence suggests that the Acting ED: Legal Services refuses to follow the F45 route, thereby leaving SCM no other option but to refuse the processing of invoices, in such cases, for payment. However, in an e-mail dated 24 November 2022 by the VC to the CFO, the Director: SCM, the Acting ED: Legal Services and the VP: Strategy, Risk and Advisory Services, the VC requires confirmation before the end of the day that payment had indeed been processed. She notes that "*... any delays will not be accepted. The University cannot be plunged into untenable situations only because interdependent work is not fully optimised or optimal.*" My assessment is that this is a transgression of the SCM policy which has wider implications across the University, especially when such an irregularity is condoned by the highest office.
- j. According to a report by the CAE to AERMCoC dated October 2022, an investigation into appointments in the LSO was being conducted. An external firm was appointed to investigate whether Legal Service Providers not on the panel were properly appointed, whether these providers were used to appoint Legal Service Officers irregularly, whether they were properly

- qualified and capable of rendering services, whether there was proper process followed in the provision of security for the Acting ED: Legal Services, whether payments for certain services rendered were appropriate, and whether UNISA received value for money for the payments made to these service providers. At the time of writing, this process had apparently not commenced in a meaningful way, as the Acting ED: Legal Services was said to be un-cooperative.
- k. I need to restate that the Acting ED is substantively a Senior Lecturer at Post Level 6 in the College of Law. He is seconded into a Post Level 3 position since 1 October 2021 until the time of writing this report. During the interview with the VP that appointed the Acting ED: Legal Services, he explained that the decision to appoint the current Acting ED: Legal Services, was made by himself and the VC. He stated “*I made a recommendation for the VC to approve. We were given two names, and the VC decided to appoint him.*”
- l. When probed on appointing him acting in a job level 3, bearing in mind that his substantive position is a Post level 6, the VP responded “... *inasmuch as one may have shortcomings, one always assumes with a little bit of assistance, support and development, somebody could be seconded for a short-term position.*” I find it very hard to understand this argument. It is yet another example of not following due processes and governance failure. It should be noted that the biggest expense of the Legal Services Office is contracting and appointing external service providers, because they don't have the internal expertise.
- m. Gross violations of the SCM policy are taking place in the LSO. There is *prima facie evidence* that the University has in certain instances substantially overpaid for services rendered, and maybe even for services that have not been rendered. The Acting ED himself acknowledged that legal firms were being appointed without determining the fee payable to such firms beforehand, and also, although they are not on the UNISA approved panel, thereby deliberately and knowingly violating the SCM policy. He implies that the approval of the VC is obtained, a claim that is strengthened by the VC's e-mail dated 24 November 2022, urging immediate payment of legal firms. “Approval” by the VC in circumstances such as those described here, in itself is a violation of prescribed procedures that is worthy of further investigation.
- n. The abrasive and unaccommodating style of the Acting ED, when confronted with this information, did nothing to dispel the notion that governance principles, financial or otherwise, are being violated in this Office. The disregard of policy and procedure, intended to support the system of internal control, by the Acting ED: Legal Services, should not be tolerated by University management. The LSO is one of the primary functionaries in policy administration; that the head of this Office actively undermine compliance to those policies should be regarded as an aberration of the highest order.



- o. During the week of concluding the interviews, I received a request from the Acting ED: Legal Services to meet with him the following week. The purpose of the meeting was not furnished. Unfortunately, I had concluded the interviews so I could not see him.

#### 4.4.2.2 VC's Official Residence

- a. Upon vacating Cloghereen, the VC's official residence, on 21 February 2021 by the previous VC, the property was earmarked for certain minor maintenance and upgrades from 1 March 2021, according to the Consolidated Progress Report on the renovation of Cloghereen, November 2021, issued by the Facilities Management Department. The refurbishing included kitchen upgrade, kitchen appliances, furniture re-upholstery and drapery, floors, walls, air conditioning, electrical plumbing and wet works, fire and alarms and garden and groundworks. **The planned completion date was 21 May 2021. An amount of R1million was budgeted for the renovation.**
- b. According to the November 2021 report, an amount of R3 162 130,85 had been spent up to that date. The report indicates "challenges encountered" as, *inter alia*, additional scope and specifications, SCM not having correct suppliers or only limited suppliers for some of the work, absence of enough tools by internal staff to execute the project and acquisition of external service providers to assist with paintwork, tiling, electrical work. It is also noted that **the approved budget of R1 million only covered kitchen renovation and minor maintenance.**
- c. In a report by the CAE, dated January 2021, entitled "Governance Compliance around the Cloghereen renovations" details are provided of deviations of SCM policy as well as examples of clearly exorbitant prices paid for certain goods and services.
  - Only two quotations were submitted for the construction of the kitchen instead of three as per SCM policy; a firm of contractors was awarded R687 161.
  - Only one (1) quotation was submitted for the supply of bedroom furniture instead of the three (3) as per SCM policy; a quotation of R277 205 was accepted.
  - Two suppliers were contracted for work on the floors for R600 000.
- d. Elsewhere it stated that training in the use of a vacuum cleaner was procured for an amount of R8 000.
- e. An external firm was appointed to evaluate prices that were paid for some of the items. In their report, dated 23 August 2022 the investigators explain that they had obtained three quotations on a sample basis directly in the market of items that were procured for the refurbishment of the Cloghereen Residence. These quotations were compared to the

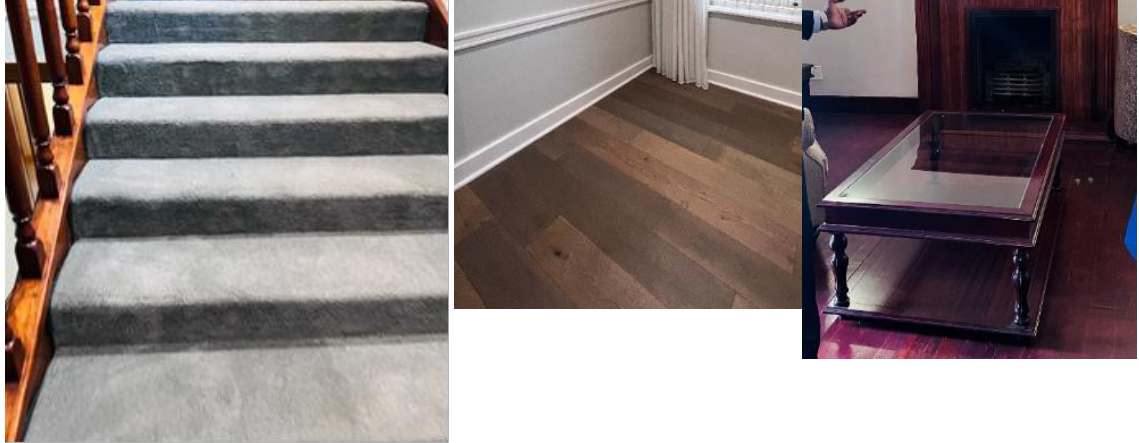
amounts actually paid by UNISA. The following extract from their report gives an indication of differences found in their sample:

Item	Paid by UNISA	Comparison 1	Comparison 2	Comparison 3
Supply and Replacement of Air conditioners	R 74 230,00	R 56 398,00	R 58 440,13	R 58 440,13
Supply and Replacement of the Borehole: Item - Submersible 5KW 380V Borehole complete with plumb and control box	R 49 141,80	R 8 390,00		
Procurement of Curtains	R 285 228,60	R 20 630,40		
Procurement of Glass Gas Hob	R 19 778,85	R 16 999,00	R 16 999,00	R 8848,86
Procurement of Mattress Protector	R 3 205,01	R 1 447,00	R 1 647,00	R 1 758.01
Procurement of Painting Items	R 220 685,00	R 105 248,00	R 108 248,00	R 115 848,00

- f. I visited Cloghereen to view the renovations done at the house. I was shown all the work that had been done as part of the renovations; the new furniture that was bought for the lounge, the bedrooms, the study etc; and the kitchen appliances that were installed. The University paid R285 228,60 for the procurement of curtains, so I was very much interested to see the quality of these curtains. I was surprised to find sheer curtains as can be seen in the picture on the right.



- g. As indicated above, training in the use of a vacuum cleaner was procured for an amount of R8 000. During the inspection of the house, I found that the flooring in various parts of the house was either tiled, or had wooden floors, except for the staircase that was carpeted. It therefore raises questions as to why the University would spend so much money on training for an appliance that can only be used on the staircase:



- h. I also noted the much controversial fridge and other kitchen appliances:



- i. I have received several submissions and heard oral evidence that suggest irregularities with regard to the renovations. Furthermore, articles appeared in the press, *inter alia* alleging untoward activity on the part of the VC. It has, for instance, been alleged that the VC requested the procurement of specific items that were not readily available in the country and had therefore been imported, leading to a delay of almost three months.

- j. In an interview, a senior staff member stated that “...the prices... suggests that ....there...seemed to be some manipulation of the prices. The end users who are the people with knowledge of facilities and infrastructure, .... did not say that the prices were inflated, they signed it off anyway, which says that there is also a potential problem there where there might be cooperation between the people in SCM and the end user.”
- k. The external Auditors found that, rather than obtaining one tender for the entire renovation, quotations were split for different elements. This amounts to tender splitting, which is against the SCM policy and may have contributed to overspending against the budget. It should be pointed out that, by splitting quotations the delegations threshold is limited, thereby enabling sign-off by Directors and EDs. Also, for transactions below R800 000, quotations are required, rather than the following of a more cumbersome tender process.
- l. The authors of the external report came to the same conclusion as the external Auditors. They recommend that possible disciplinary action should be considered against employees responsible for these irregularities. In an AERMCoC Chairperson’s Report to Council, dated 1 September 2022, the CAE broadly reports these findings to Council and reiterates the recommendation that action be taken against the “...individuals responsible for signing the purchase orders that had either been split or the pricing had been inflated”.
- m. The ED: Finance was asked why red flags were not raised in Finance as soon as the budget for this project was exceeded. She responded that no line-item breakdown was included in the budget, consequently, over-spending could not be prevented. She concedes that the budget for Cloghereen could have been created as a separate account under Facilities Management.
- n. In response to press reports, the University issued a statement during January 2022 in terms of which:
- The VC was at no point involved in operational processes; her interaction with regard to this matter was with Operational and Facilities personnel through the Supervisor: Property and Asset Management and the Director: University Estates when she had been consulted.
  - The VC was not involved in procurement processes, but expressed shock at the high costs noted in quotations for certain items.
  - On 29 October 2021 the house and keys were handed over; the VC conducted an inspection and concluded that the amounts charged were exorbitant in relation to the renovations done; she required formal investigations into the matter.

- The VC instructed the Acting VP, Operations and Facilities to submit a handover report with narratives and financials; at the date of issuing the statement the VC had not received such a report.
  - The Head of Legal Services was instructed to follow up on the report, but numerous attempts at this proved to be unsuccessful.
  - "The Management and the Vice Chancellor are disappointed, if not shocked; to learn with dismay that a formal report which was requested, had not been submitted despite several requests."
  - Action would be taken against employees "...who are found to have violated university policies, misrepresented, or falsified information or unlawfully shared personal institutional information to unauthorised people..."
- p. The Registrar proceeded with a "Statement of complaint and disclosure in terms of the Protected Disclosures Act regarding possible acts of gross misconduct and contravention of policy and law against .... (the) Principal and Vice Chancellor". In the statement, the Registrar claims, *inter alia*, that the claim made in the January 2022 statement that the VC was not involved in the renovation of Cloghereen is misleading, "...issued with the knowledge that they are not entirely true, intended to shift blame and responsibility to other officials without just cause and to cast employees in a bad light to both other employees and the public." It is furthermore claimed that the VC made false statements in this regard at ManCom and Senate.
- q. In an interview with staff members, I was informed that the VC indeed took an active interest in the renovation, visiting the site and indicating what must be changed, for instance the headboard and the mattress; new curtains instead of using the ones that were budgeted for to be dry-cleaned, among others. The VC's secretary provided samples of what was required and insisted on a specific make of electrical appliances which was not always available in South Africa and had to be imported.
- r. In an interview, the VC denies that she had been involved in operational processes outside of her authority or in procurement processes, except for expressing disquiet about procurement that was not value for money.
- s. At the time of submitting this report, the VC has not moved into Cloghereen a bit over two years since her appointment. When I asked her when she would move in, she stated Council had promised to install a security system so she and her family were safe after her life was threatened, including her and her daughter's violation. If this is indeed the case, it is puzzling how Council can take so long in ensuring security in the premises.

- t. Several policy infringements and, quite possibly fraud, has been committed. Sound project management principles have been violated. A competent project manager would have defined the scope upfront and manage the project according to strict timelines and the allocated budget. Scope creep should have been highlighted immediately and approval should have been sought from the relevant governance structures. The finance system should have alerted budget overspent much earlier.
- u. Having regard of interviews with several parties involved in the Cloghereen project, and having also heard the VC's version, I am inclined to conclude that the VC did indeed participate in the procurement process to a larger extent than what she is professing. She apportions blame for any wrongdoing to subordinates, rather than accepting responsibility for governance failures.
- v. I find the public statement of January 2022 by the University rather disturbing, reminiscent of the adage about "washing dirty linen in public". When an employer lashes out in public at its own employees, the quality of its management becomes suspect. Sound management processes would have prevented the occurrence of incidents for which employees are being publicly berated, long before they became a matter for private discussion, let alone of a public statement. Managing a project of this size should, within the broader context of UNISA's vast operations, be a relatively minor and straightforward matter. This public statement actually amounts to an admission of guilt by management of a dereliction of duty and casts doubt on management's ability to grasp even the basic requirements of the responsibilities bestowed upon them.

#### **4.4.3 Facilities environment**

In addition to irregularities regarding Cloghereen, several submissions have been received regarding financial irregularities in the Facilities and Maintenance environment. The following serves as examples of such irregularities, but the list is by no means exhaustive.

##### **4.4.3.1 PMO Tender**

- a. In a tender regarding the establishment of a Project Management Office (PMO) in the built environment to the value of R96,8m over a period of four years, the company who scored the highest technical score and the lowest total cost, was not recommended on 26 August 2020 to the Tender Committee on the basis of alleged discrepancies between its BEE certificate and its shares certificate not reflecting the same registration number and also that its debt/equity ratio is too high. In a submission received, it is alleged that fraudulent changes have been made to the documents. In a letter dated 27 October 2020 to the VC, the ED: Legal Services states that these statements are "...materially false and must have been made with the full knowledge that they

were materially false” and that the decision of the TWC is “... irrational and unlawful” and that those responsible should be disciplined.

- b. A probity report by Internal Audit states that the assertion of a discrepancy between the BEE certificate and the company’s share certificate is “..without merit or evidence. Evidence evaluated by Internal Audit indicates that there were no discrepancies between these documents.” Furthermore, although the concern about gearing is “.. not incorrect ...”, a financial report prepared by the Financial Governance division, found that the company is able to fund its operations successfully. In conclusion, it should be noted that no evidence that disciplinary measures, as recommended by the ED: Legal Services, had indeed been taken, could be found.

#### 4.4.3.2 *Overpayments*

- a. Numerous examples of obvious overpayments for procured items were found. In the following paragraphs, examples are summarised of some of such instances. It would be superfluous to present details of every such instance. These examples merely serve to illustrate some irregularities in this regard.
- b. For one project 150 plastic misty spray bottles at R38,50 each and 150 foot operated sanitising stands for R438,95 each were procured. From the same supplier 25 back entry toilet flush valves were procured at between R11 390,00 and R12 430,00 each (total cost R798 502); an internet search for these items indicate that it can be bought from a hardware store at less than R3000,00 each. The same supplier supplied and installed steel storage racks for the purpose of art storage and space saving at the Kgorong Gallery. The charges were as follows: 15 times site establishment and clearance (barricading for cutting, welding etc.), cost R13 800,00; drawings for steel racks, cost R73 795,50; supply of 3 drawings of steel materials, cost R63 757,49; supply of 2 drawings for sheet materials, cost R54 676,51; Accessories (fasteners, welding rods, cutting disks, base paints coat, finishing coats etc.), cost R40 152,83; labour R201 825,00; labour for packing of artwork R36 800,00. One seater couches at the Florida campus were cleaned for R360,00 each, two seaters for R720,00 each, three seaters for R1 080,00 each and ottomans for R300,00 each. When the Director: Maintenance was confronted with these obvious overpayments, his reaction was that the UNISA BEE policy results in procurement that is not always at the lowest prices.
- c. In 2018, an outsourced consulting firm investigated a service contract between UNISA and a supplier within the printing environment and found, amongst others, that UNISA had been substantially overcharged for maintenance services. It also recommended that certain individuals be held accountable. According to a submission received, disciplinary procedures had indeed been instituted, but at the time of writing, it was still not finalised. However, one of the

implicated employees have in the meantime been appointed as Acting ED: Study Material Production and Distribution, making him the accountable officer for the contract in question.

- d. Upon installation of a disability lift in Polokwane, after payment was made in full, it was found that it did not meet specifications. The payment for the faulty lift was not recovered, but instead a new lift was installed at almost double the cost, resulting in UNISA paying twice for the same lift. Apparently, no action was taken against the implicated employee; instead, he was appointed to act in a senior position in Facilities Management.

#### 4.4.3.3 *Tender splitting*

- a. In an Investigations Report dated 2 July 2021 regarding the replacement of light fittings at the Western Cape Regional Office, splitting of a contract to remain below the threshold of a closed tender process (between R800 001 and R2 000 000, according to SCM requirements), occurred. The report asserts that, because of the irregularities encountered, payments to the value of R775 490,00 are irregular. It is also found that "(T)here is a trend of non-compliance with the SCM Policy and Procedures by University Estates."
- b. Attention is also drawn to other cases where tender splitting occurred, namely in the refurbishment of the VC residence as well as in the procurement of laptops, both of which are dealt with elsewhere in this report.

#### 4.4.3.4 *Leases*

- a. UNISA leases a substantial number of properties around the country. A lease portfolio of this size requires a system to ensure the management of such leases, *inter alia* to ensure that SCM processes for renewal of leases are initiated prior to their expiration in order to ensure compliance and adherence to sound managerial and governance principles. Yet, in their detailed findings on the audit for the year ended 31 December 2021, the Auditors report that there are expired leases where UNISA still occupies the properties. In some of these cases leases are merely being continued on a month-to-month basis, without lease contracts having been concluded. Furthermore, some leases are not included in the lease schedule, raising concerns as to whether the Facilities Department actually have a grip on all the lease contracts in UNISA's portfolio.
- b. The previous VP responsible for the facilities environment shared her views on this matter and she concurs that, even during her tenure, questionable decisions were made, and in some instances, leases were concluded that are not necessarily in UNISA's best interest, but rather in the interest of certain factions within the University. Some of these decisions were made in violation of the University's transformation agenda by a staff member " .... *wanting to continue*



*leasing from legacy contractors that he developed very good relationships with.” She also shared information on a Council meeting where she was requested to sign a submission “... basically signing over the management of all those leases to....” a certain “... company because I was considered anti-transformation”. At this meeting, she alleges, the Chair allowed certain members to lambast her for a long time. She also alleged that she was told by either the Chair of Council or the Chair of FIECoC not to bring submissions that had not been consulted with NEHAWU and students. She lists an example of a building leased in a poor part of Johannesburg (against her own recommendation) that had to be renovated at a cost of R19 million as “...that was the only building that all stakeholders were willing to endorse, because they all stood to benefit.” Similarly, apparently untoward activities happened in Mpumalanga, when attempting to acquire the use of a building in that region.*

- c. Some members of Council, past and present, have expressed their frustration with the former VP: Operations and Facilities about the submission of expired leases, or leases that were due to expire within days without FIECoC applying its mind. They claimed that this, and other non-performance areas, led to her contract not being renewed for a further term. I tested the matter of expired leases with the previous VP: Operations and Facilities, and she said that one of her subordinates did not do his job numerous times on the renewal of leases. She vehemently denied that it was a performance issue, but rather ‘corruption’ because she refused to toe the line on irregularities.
- d. I am unable to substantiate this assertion, but the disarray in the management of leases, the allegations of irregularities in the Facilities Department and the proven irregularities in that Department brought to light in audit reports, renders such a conclusion at least worthwhile of a thorough investigation. In this regard, also refer to the section on “**Reportable Irregularities**” in this report(4.4.7.3)

#### 4.4.3.5 Cafeteria Refurbishment and Renovation

- a. The Cafeteria Refurbishment and Renovation projects at the Muckleneuk campus produced a fair number of irregularities. An Internal Audit Report dated 5 March 2020 highlighted *inter alia* non-compliance to the Delegation of Decision-Making Authority Policy, non-adherence to SCM Policy, not following public tender processes when required, non-adherence to progress payment procedures and inadequate record keeping by the Facilities Management Department. The Bathroom Renovation and Refurbishment Project at Muckleneuk and GSBL Campuses returned similar comments from the Internal Auditors.
- b. Several internal control weaknesses were identified in SCM, ICT and Finance processes. However, the report notes that most of the responsible staff members have left the employ of UNISA and therefore no disciplinary action could be instituted. According to the October 2022

report by the CAE to AERMCoC, a response to this report was still not forthcoming from the relevant department two years later.

- c. The following quote from the report needs to be highlighted as it serves as yet another example of a conclusion that is reached elsewhere in this report: **"Non-adherence to various UNISA Policies on procurement seems to be in order and exposes UNISA to risks such as cover quoting and bid rigging."** Also, since presumably not all the implicated staff members have left UNISA's employ at the date of the report, a question arises as to the reasons why management actions have presumably not been taken against those employees who were still employed to date.

#### 4.4.3.6 Conclusion

- a. Substantial amounts are managed in the facilities environment, rendering it prone to unsavoury elements and malfeasance of large proportions. The leadership is clearly not able to successfully manage fairly uncomplicated projects, such as evidenced by the project regarding the refurbishment of the VC's residence, let alone more complex projects, such as those funded by the IEG. The Facilities environment is rife with SCM policy violations, financial irregularities, fraud and, possibly, criminality. Conspiracies to defraud the University may reach up to the highest levels of governance. Instances of tender manipulation, overpayments and double payment for the same work, tender splitting and related misdemeanours are described in this report. When malfeasance is uncovered, disciplinary action is either not forthcoming, or slow to implement. I cannot but come to the conclusion that decisive interventions would be needed to rid the University of this scourge.
- b. My interview with the former VP: Operations and Facilities left me with the conclusion that she is prone to apportioning blame to various persons and bodies for misdemeanours that happened under her watch. Although she is certainly not personally responsible for many, if any, of these misdemeanours, the fact remains that, as VP for this portfolio, she should be taking responsibility, rather than blaming subordinates, Council, the Chair of Council, the Chair of FIECoC, even NEHAWU, however blameworthy these individuals and bodies might be. She comes across as the only member of the platoon who, in her view, is actually in step, while all the rest are out of step.

#### 4.4.4 Other Procurement policy deviations and irregularities

Several oral and written submissions were received regarding financial irregularities, many, but not all of which, are in the procurement space. Many of these were substantiated with documentary proof and /or in the form of investigation reports, either by the internal Investigations Unit, or by external parties appointed by Internal Audit. Not all of these cases can be detailed here, hence a few are summarised below to serve as illustration of financial irregularities that beset the University.

#### 4.4.4.1 Procurement of air pods, dongles and sim starter packs

According to an Investigation Report (03INV2021, 17 February 2022) into the processes followed to appoint service providers for the procurement of Air pods for Executive Management and dongles and SIM Starter Packs for NSFAS Students, it was found that the SCM policy was not followed in the appointment of service providers. Also, that goods and services were not delivered according to policy and that payments were not made in accordance with approved policy and procedure. According to the report, the dongles and SIM starter packs were not issued to NSFAS students and it therefore constitutes fruitless expenditure of more than R8 million. Also, 436 dongles and 40 SIM starter packs could not be accounted for.

#### 4.4.4.2 Buyer Fraud and internal control failure

- a. An internal control failure involving the lapse of the principle of segregation of duties is reported in an Investigations Unit Report dated 14 March 2019. It details **fraud to the value of R5,9m**, committed by a buyer through payments for fictitious purchases to a number of related companies, introduced to UNISA to pursue fraud by way of false invoicing and billing. The investigators recommended *inter alia* a review of the standard operating procedures of SCM and expenditure management, action against responsible employees, a review of segregation of duties and recovery of the lost amount. A case has also been opened at the South African Police Service (SAPS). **It is unclear whether all the recommendations contained in the report have been accepted and implemented.**
- b. According to an Investigation Report dated 16 February 2022 cleaning cartridges with a market value of between R713,00 and R2 561,45 were acquired at R5 378,00 per unit. Several Internal control weaknesses were identified. The report concludes: "Non-adherence to various UNISA Policies and Procedures seems to be the order of the day and exposes UNISA to risks such as cover quoting and bid rigging."

#### 4.4.5 Disregard for due process

##### 4.4.5.1 Interim Salary Increases and Capacitation of the Office of the VC

- a. ManCom approved salary adjustments for different tiers of staff to all academic staff members (including researchers), academic support staff members and professional support staff members on 3 August 2021. Ignoring the fact that ManCom's delegations were for a maximum of R5m, also ignoring normal procedure that such increases should be approved by Council and without consulting the Finance Department in view of the substantial budget implications, salary increases to the value of R90m were implemented during September 2021. Also, ignoring the fact

that engagement with organised labour under the auspices of the UNISA Bargaining Forum (UBF) should have taken place.

- b. The disregard of governance processes are pointed in an email from a staff member to the VC on 13 January 2022 which says:

*"The total amount for the three categories as stated in the memo from HR comes to R80 953 822. Upon interrogating the attached spreadsheet, it is however evident that the amount in question is actually R90 434 653, thus R9 480 831 more than what is stated in the memo from HR. **This again points to the governance failure in that apart from the apparent non-approval by the various governance structures, the implemented increases should also have been referred to Internal Audit for auditing by HR prior to implementation, as is standard practice for all increases.** In addition, it should be noted that Finance was only copied in the email from HR; these increases were thus already loaded on the payroll run by HR at the time".*

- c. Organised labour disputed the adjustments as being unfair to their members, consequently management extended the increases to the remaining levels of staff within the bargaining unit, thereby **increasing the previously unbudgeted amount of R90m to R176m**. According to submissions received, the way that this matter was being addressed contributed to the breakdown in the relationship between Organised Labour especially NEHAWU and Management.
- d. In addition to the above, the VC requested that her office be capacitated by increasing the staff complement in her office, as discussed under section 4.2.1. The cost associated with the capacitation amounts to approximately R14m, thereby increasing the total cost of the interim adjustments to R190m per year, i.e. R90m initially for increases to certain categories of staff, escalating to R176m after Union dissatisfaction, and again escalating to R190m for additional staff in the Office of the Vice-Chancellor.
- e. Council decided on 14 December 2022 that this amount should be funded by abolishing posts in the support environment.
- f. My observation about the approval of these positions increasing a recurring non-academic salary bill, where there are so many academic vacancies and complaints by staff and students about service delivery, is a glaring governance failure.
- g. Council noted on 25 November 2021 that FIECoC had requested the VC to provide it with a report on consequence management in respect of the individuals who had not followed procedures, which had led to expenditure outside Council approval. The VC indicated that a preliminary report was available and that she is still studying it. In a report by the VC to Council and FIECoC, dated 17 February 2022, the process that should have been followed for the

implementation of salary increases, is detailed. It also states that the VC enquired from the VP: Institutional Development and the Acting ED:HR on 9 November 2022 to account for the “unauthorised transaction” and “..explain how R90 million could be spent without the necessary approval by the relevant structures of Council in terms of the delegation of authority framework.” It is also stated in the document that the fact that ManCom approved the interim salary adjustment on 3 August 2021 is irrelevant, as the senior managers should know about the DOA framework. In essence, the VC contends that these unauthorised adjustments were implemented by HR, since HR is the only department who is able to change notches. As HR reports to the VP: Institutional Development, a report of consequence management was requested, but was not forthcoming. The VC continues that HR informed the Director: HR, who should have alerted the ED: Finance and the CFO, of the transaction. Consequently, the CFO is consulting with Employee Relations with a view to instituting disciplinary measures.

- h. In a document to Council entitled “Funding of the interim salary adjustments of 2021 through the abolishment of vacancies within the Professional and Support environment” dated 24 November 2022, prepared by the Acting ED: HR, it is proposed that certain vacant positions, identified by management, be abolished where there are current employees who perform the same or similar functions and where the vacant position is no longer required. Positions to the value of R190 500 533 is identified, with the Office of the Registrar (38%) and Operations and Facilities (28%) making the biggest contribution to the pool. At the time of writing, it was my information that this management action had not been implemented as line managers were being engaged to communicate Council’s decision in this regard. As line managers are reluctant to abolish their vacancies, *inter alia* because people might lose their acting and secondment allowances, or lose their fixed-term appointments, only some R 30 million had at the time of writing, been recovered.
- i. In an Internal Audit Investigation Report dated 14 December 2021 it is recommended that disciplinary action be taken against responsible officials and that a report be presented to Council on such actions. **In a report to the VP: Institutional Development, dated 11 February 2022, the CAE again concludes that the salary adjustment did not satisfy UNISA governance processes.**
- j. Council authorized the VC on 14 September 2022 to take immediate disciplinary action against the VP: Institutional Development for failure to act in accordance with his duties. At the time of writing, it was unclear whether such disciplinary action had indeed been initiated. It was unclear to me how such a conclusion was reached when the entire process was flawed from the beginning.
- k. It has also come to my attention that three personal assistants in the office of the VC received substantial backpay following backdated upgrades in post levels. In a note from the ED: HR to a staff member in Salary Administration, dated 15 November 2021, the ED explains that, following discussions with the VC, the grades for three personal assistants should be upgraded to P7,

backdated to October 2007 and those concomitant salary adjustments should be made with effect from October 2007. The total backpay for the three personal assistants amounted to R2,9m.

- l. In my investigation of this matter, I could not find a proposal or motivation, agenda or minutes of a meeting, where this was discussed or approved. I have only seen the instruction to effect the back-pay to the HR Administrator. Surely there must have been a job evaluation exercise to determine that these positions should be on job level P7. I ask myself serious questions. What is the basis for backdating to 2007? What would the impact be on UNISA, if other staff had the opportunity to ask for upgrading of their positions, and with payments backdated for 15 years? How could this have been implemented with simply an instruction, referring to “discussions with the VC, it was resolved”? See below an excerpt of the instruction:

### **SALARY AND POST GRADE CORRECTION FOR PERSONAL ASSISTANTS (X3)**

Three Personal Assistants resorted to a grievance process to rectify their post grades to post grade P7.

Following discussions with the Principal and Vice Chancellor it was resolved that the three staff members grades and salaries must be corrected to post grade P7 with effect from October 2007.

- m. When I asked the VC about this, she had knowledge of it and indicated that she had to pick up salary issues that were not implemented from the previous administration. She argued that she was just executing what should have been done by the previous VC. The matter clearly did not concern her as much as it concerned me.
- n. Still, it is disturbing that two VCs before her could have neglected this – 15 years of salary adjustments in the Office of the VC is disturbing. I asked the Chairperson of the HRCoC if she was aware of the salary adjustments dating back to 2007 without first mentioning that they were in the office of the VC. She said it was unacceptable. After declaring her support to the VC because she was a woman (in her own words), I indicated that these were in the VC’s office. She was visibly embarrassed. My question had nothing to do with whether the VC was a woman or not, it was simply a sound management practice question.
- o. The general interim salary increases represent a gross violation of sound governance principles. Prior approval by Manrem, FIECoC and Council should have been obtained before implementation. Management contends that an approval by ManCom does not amount to an approval to implement, but merely and approval to take the matter to Council for ultimate approval, hence staff members in HR (and Finance), as well as their line managers, should be held accountable. If this is indeed the case, the question arises as to why management, specifically the VC, did not intervene immediately to reverse the adjustments as soon as she became aware

of them having been implemented, or made appropriate arrangements for overpayments to be refunded to the University, even over a period of time. Yet, the adjustments are carried forward to this day, while passing the blame on to subordinates to carry the can for this gross irregularity. A pattern emerges in terms of which subordinates are blamed (refer to the Cloghereen issue, for instance) without the VC taking responsibility. This is particularly shocking in the light of the financial consequences on the sustainability of the University that was pointed out to management in that these increases contributed to the escalation of the HR cost to a staggering 78% of total expenditure.

- p. The extension of the staff complement in the VC's office to a large extent clearly amounts to a duplication of existing functions in the University, as has been pointed out by senior staff members. The explanation by the VC that the purpose is to strengthen existing functions, raises questions as to why those existing functions are then not strengthened, if strengthening is indeed needed. It is clear from this report that the strengthening of governance should indeed be a priority, but bloating the VC's office to achieve this objective, is a questionable strategy.
- q. The interim salary adjustments, the backdated salary increases of three personal assistants, the extension of the staff complement in the VC's office, all strengthen the conclusion of careless ineptitude and governance and compliance failures by management. Blaming such failures and lack of judgement on subordinates amounts to a misappreciation of leadership values and indeed strongly reflects on the leadership quality that the University has to offer.

#### 4.4.5.2 *Provisioning of data and devices*

- a. In the Covid-19 aftermath, the University decided that data provisioning services for students and staff should assume priority. SCM was instructed to initiate a provisioning process involving the four main players in this field. FIECoC noted on 17 June 2021 that a closed tender process had been followed for these four companies. Since the suppliers had not complied with all the mandatory requirements, they had been required to resubmit their proposals. On resubmission, one of these companies did not meet the minimum threshold and was therefore disqualified. FIECoC decided that the remaining three be appointed.
- b. According to a written submission, while the contracting process was still underway, the VP: ICT and the VC, without having followed any formal governance process, entered into a Memorandum of Understanding (MoU) with the excluded company to provide the services required. The MoU, signed by the VP: ICT and the VC, dated 1 August 2022 was subsequently concluded with this company in terms of which "(T)he Parties intend and agree to co-operate in good faith for the establishment of an edtech platform." I could find no record of any governance process that had been followed regarding the conclusion of this MOU. It is also alleged that the

contracting process with the three successful bidders was deliberately protracted to allow the MoU with the unsuccessful bidder to be finalised.

- c. In an email on 21 September 2022 to the CFO, the ED: Finance states that "(T)his MoU is very concerning. It is actually a commercial contract and not an MoU. It is silent on how the project will be funded and how revenue will be accounted for. It is also silent on governance and compliance arrangements. This transaction is not compliant with the UNISA SCM policy and goes against the PPPFA." The CFO thereupon proceeds with an email to a person who was apparently appointed as project manager in which he refers to the concerns raised by the ED: Finance and indicates that since he "... was not involved in the project from its initiation stage I'm not sure if the concerns raised are something to be worried about as I am not privy to the processes followed in identifying ..... as a partner in this project."
- d. The project manager responds that the MoU was checked by the VP: ICT, LSO and Legal Advisor in the office of the VC. He also sends an email to a director in the Legal Services Office, drawing attention to the concerns raised by Finance. Significantly, then, the latter responds that the MoU was prepared "...under extreme urgent conditions" and that exceptions had to be made. He indicates that ManCom waived the due diligence process on MoU's "...of this nature..", although it was rescinded later. The Director proceeds that a "formal commercial contract" will be engaged into, agreeing with the view of the Finance Department that an MoU is not used to deal with income and expenditure. A new due diligence process will have to be followed when engaging in such a contract.
- e. In an oral interview, the Director of SCM confirmed that due process was not followed in the appointment of the company, as no search of the market had been conducted prior to its appointment.
- f. **Council approved the above on 24 June 2022 for an amount not to exceed R322m for 24 months. Approval was also granted for the deviation in that a company was included, although it had been disqualified on technical requirements. This is a typical case of governance failure.**

#### 4.4.5.3 *Backdating of Contracts*

- a. Several submissions regarding the provisioning of Microsoft Cloud Services to the University have been received. The essence of the submissions is as follows: When the contract with company A, the then provider of the service, expired at the end of June 2021, a month-to-month arrangement for a period of twelve months was made for the University to be able to follow SCM procedures for the appointment of a new service provider. When this temporary arrangement expired at the end of June 2022, the renewal arrangements have not been finalised. In apparent



opposing positions, ICT favoured a renewal with company A, while SCM favoured dealing directly with Microsoft, after following due process.

- b. ICT approached the Legal Services Department, who recommended that the contract extension be back dated. FIECoC decided on 17 August 2022 that the backdating of a contract to 9 June 2022 for the provisioning by company A of cloud services on a month-to-month basis for twelve months to 8 June 2023 be recommended to Council. This was done to afford SCM the opportunity to follow due process to secure these services. The estimated amount is R100 million. On 14 September 2022 Council approved the backdating to 9 June 2022.
- c. SCM objected to this procedure, refusing to make payments in terms of this arrangement. In a note to the CFO dated 10 November 2022, the Director SCM indicates that, in his view, the process was flawed since concluding contracts should, in terms of SCM policy, start at the stage of an appointed Tender Committee. He also states that retrospective approval "...is a deviation of policy on its own". In an interview, the Director: SCM, asserts that he wanted to issue an F45 (a procedure described elsewhere in this report), but he was advised by a member of ManCom not to do so.
- d. The CIO approached the CFO to intervene. In a note to the Director: SCM, dated 10 November 2022, the CFO writes "...ManCom duly approved the extension request together with the backdating of the contract as per the recommendation of LSO. Given the amount involved, ManCom recommended the approval further to FIECoC, and FIECoC also approved the request and further recommended for approval by Council. Council approved the request of extension and the backdating of the contract as recommended by FIECoC". The CFO proceeds to advise that the extension of contracts being submitted directly to ManCom "...has happened before..." and points to a "...a limitation in the current SCM policy...". As Council is the highest decision-making body in the University, SCM should proceed with the facilitation of the payment of the invoices as services has already been rendered. The CFO concludes: "Noting that SCM was not involved in the recommendation processes of the contract extension, SCM would not take any responsibility should there be any challenges with the contract extension as the department was not involved in the process." (sic)
- e. At its meeting of 14 September 2022, Council approved the renewal and backdating of the contract to 9 June 2022 on a month-to-month basis, limited to 8 June 2023 until conclusion of the SCM process through a closed tender. At the time of writing, the closed tender process that was supposed to be finalised on 8 June 2023 was still not finalised.
- f. Another case of backdating because approval from the relevant governance structures was not obtained timeously, concerns TENET, a provider of research and education networking services for the purposes of collaboration between universities, science councils and other research

institutions. On 13 December 2021 the CFO explained to FIECoC that TENET services utilised on a month-to-month basis since May 2021 to date at a cost of R5,9m, and requested approval, including for “associated irregular expenditure”, as well as for condonation of non-compliance with SCM policy. Renewal of the TENET contract itself, however, was only approved on 1 March 2022 by FIECoC for three years from 1 July 2021 to 31 July 2024 for R32m and an *ad hoc* amount of R1,620m. These were approved by Council on 28 November 2022.

- g. Yet a further case of backdating is found in the minutes of ManCom, dated 9 February 2021, where it was resolved that signatures on a contract be backdated to 7 December 2020 to comply with the allocations made by an external party to the University.
- h. The examples of the backdating of contracts and of the condonation of policy violation by Council, illustrate the disregard for sound principles of good governance and, raises questions as to the integrity of management. Without following due process, millions are approved by the highest decision-making body of the University. Serious governance and managerial lapses occurred in each of the cases described, i.e. the negligence of not making timeous renewal arrangements according to prescribed procedures while the timeline of an existing contract was running out, and the legitimising of a situation that is essentially out of order. Such negligence fuels perceptions that timeous arrangements have purposely been delayed to force the University into accepting contracts that would otherwise not have been entered into. Again, subordinates are being blamed for senior management failures.

#### 4.4.5.4 Laptop Advance Scheme

- a. A scheme for the procurement of laptops for UNISA staff that was initiated towards the end of 2020 was fraught by deviations from the SCM policy, DOA transgressions, governance failures and sheer ineptitude. Following a decision in this regard by HRCoC on 17 August 2021 and after receipt of a memorandum from NEHAWU, raising various concerns, a legal firm, Bowmans, was appointed to perform a forensic investigation into the matter. Clause 5 of the Terms of Reference of the HRCoC provides it with the authority “to seek outside or other independent professional advice at the expense of the university whenever necessary to carry out its work”. This report, dated 23 February 2022, provides detailed information on how the saga unfolded, and it would serve little purpose to rehash the detail in this report. Nevertheless, in order to assess the scale of the governance failures in this regard, a brief summary of the chain of events, is provided.
- b. During November 2020 a submission was tabled at FIECoC that laptops and related devices for UNISA staff were to be leased. As FIECoC favoured an outright purchase, rather than a lease, the matter was referred back to management. The ED: HR, in a note dated 8 April 2021 to ManCom,

proposed a payment of computer allowances to staff. This proposal was approved on a round-robin basis and confirmed at the ManCom meeting of 13 April 2021, and again on 8 June 2021, with certain amendments. Essentially, staff were given an allowance to purchase laptops that comply with certain specifications and they were required to produce documents to prove such device had indeed been obtained. The devices were to be brought in to be barcoded and taken onto UNISA's asset register.

- c. At a ManCom meeting dated 25 May 2021 the VC stated that "... the request for quotations for the devices was an unnecessary step in the process. Staff should be given the specifications, and they should be trusted to comply with the specifications and the appropriate use of the allowance provided. Where there were transgressions, the necessary steps for accountability and disciplinary action should be taken. The Department: ICT should confirm that the asset complied with the specifications and the Department: HR should verify the receipt for the purchase, after which a barcode could be placed on the device. It should not be a long process."
- d. Following the round-robin decision, the CFO sent an e-mail to a number of staff members, including the ED: Finance, noting a draft implementation plan by the ICT Department, and requesting to pay allowances to staff by 25 May 2021. Upon concerns being raised by staff, the CFO responded that ManCom had taken the decision to proceed with the payments and that a provision for the payment of allowances is part of conditions of employment. A DD in the HR Department, in an email dated as late as 8 September 2021 to members of ManCom, points to serious concerns regarding governance breaches, policy breaches and the "disregard for FIECoC resolutions where it was expressly decided that a supply chain process must be followed to purchase devices, and the possibility for breaches in data/information security .... where devices must be returned to retailers for repairs under warranty and the access that retailers and their service providers would have to UNISA data/information". The DD recommends that the process should be stopped and that SCM processes be followed to supply staff with devices.
- e. It turned out, in the end, that this plea was in vain and that the amount involved, exceeded R87 million and that a number of staff members did not actually buy laptops with the advance money received, nor was the money returned to the University. In its monthly management accounts report January to September 2021, presented monthly to ManCom and quarterly to FIECoC, AERMCoC and Council, the Finance Department notes that "(T)o date, a total of 1 955 advances amounting to R42,7 million have been paid to members of staff in the various agreed-upon categories. In the same regard, allowances amounting to R537 406 have been returned by 181 members of staff for numerous reasons, among which reasons include, returning the difference between the allowance and the laptop procured and the allowance being insufficient to procure a laptop sufficient for optimal functioning." **In its year-to-date report for October 2022, Finance**

**reports that, to date, an amount of R87 million was advanced to 3 799 staff members, "...with advances of R33,3m having been settled". Some R53 million was still outstanding at that date.**

- f. In this regard the Bowmans report (1.2.10) notes "... that the payment of cash allowances to employees for the purposes of procuring laptops could be tantamount to the splitting of order/requisitions, which would be a contravention of UNISA SCM policy, which prohibits the splitting of requisitions in order to avoid prescribed tender processes. Furthermore, the proposed allowances would also constitute a deviation from UNISA's SCM policy." In a ManCom meeting dated 30 November 2021, the CFO, however, states "... that each advance was an individual transaction and the principle had been approved by FIECoC and the Council. He added that, in terms of the business model, each individual staff member would receive an advance on application and could then purchase a laptop from a preferred supplier. If the transactions were consolidated, it would require approval by FIECoC, but if they were treated as individual transactions, FIECoC approval was not required."
- g. In the Bowmans report, several areas of concern are raised, notably deviation from SCM processes, tender splitting, transgressions of delegations of authority, the absence of a policy to regulate initiatives like these, negligence by ManCom in that organised labour was not afforded an opportunity to voice prior concerns and disciplinary issues. It also notes that, where employees failed to follow instructions in this regard, disciplinary action could be difficult, "... if not unlawful". Bowmans attempted to interview the VC on this matter, but she refused. Bowmans recommend that consideration should be given to instructing the VC to be interviewed "... to obtain and document her version of events".
- h. During an interview with me, the VC was requested to provide reasons for her refusal to participate in the Bowmans investigations. She responded that no Chair of a Committee of Council has the right to procure services without following due processes within the university, and, as far as she understands, Council approval was not obtained. She declared that, the Registrar, Deputy Registrar, the Chair of HRCoC and Deputy Chair of HRCoC requested the report. When I pointed out to the VC that there is a clause in the charters of all the Committees of Council which allows such committees to seek independent professional advice at the expense of the university to carry out their work, she disagreed with this interpretation. In a subsequent interview, the VC essentially re-affirmed her position, asking "... *why would I acknowledge a report that was not commissioned within the correct processes and clandestinely drafted. I'm not interested in that report.*"
- i. Deviations from SCM policy should be approved by governance structures and, since the amount involved in this case exceeded R15 million, the maximum amount that ManCom is allowed to approve in terms of the SCM policy, Council approval should have been sought.

- j. In a report to Council, dated 17 March 2022, the VC states that "...UNISA decided to change from an SCM procurement-based approach of provisioning UNISA's staff members with laptops to an HR-based approach". It continues that, following the new approach, UNISA complied with the Council approved delegations of authority. This approach requires no FIECoC or Council approval. Furthermore, the new approach implies that SCM is no longer involved in the supply of staff with laptops ("tools of trade"), but that this now becomes an HR responsibility. SCM's only role would now be to source quotations for specifications established by ICT. The document proceeds to argue that the appointment of Bowmans to investigate this matter, is unlawful, *inter alia*, since NEHAWU (on whose initial complaint HRCoC decided to appoint an external party to investigate the matter) cannot make a decision on behalf of the University, the SCM policy was not followed in the appointment of the external investigator, the Deputy Registrar, having been designated as the University's contact person to facilitate the investigation, did so without reporting or consulting with the VC and the LSO had not been involved, although the University's Delegation of Decision-Making Authority delegates legal services to that department, rather than to the Office of the Registrar; Council took a decision which is not within its authority. It is further argued that the VC is responsible for the day-to-day management of the University, including financial and resource management. Within such a framework, the document argues, advances of cash to staff members to facilitate the purchase of laptops is regarded as operational expenditure.
- k. Nevertheless, on 27 June 2022 Council decided that management should take responsibility for failing to comply with SCM policy, consequently a written warning should be sent to all members of ManCom and the VC, with the instruction that she "... should never allow a deviation from policies in her meetings..." and that all members of ManCom should forfeit 50% of their salary increment for 2022. ManCom members interviewed, including those that left, confirmed that there was no such a deduction from their salary adjustment contrary to what was reported by the Chair of Council to me.
- l. This ManCom decision was rescinded at a Council meeting on 14 December 2022, following a legal opinion "... *that the resolution was not enforceable because it was in conflict with the University's Employee Disciplinary Code and general employment law principles.*" **Council decided that Management should be treated leniently and be given a verbal warning for non-compliance with SCM policy, and that a refresher workshop on key policies of the University should be presented to ManCom by an external service provider.**
- m. I find the assertion of an "HR-based approach" to be rather disingenuous. As the Bowmans report points out, the argument underlying this so-called approach, in terms of which the procurement of laptops is to be considered as individual purchases by/for individual employees and therefore

complies with the DOA requirements, is flawed, since the laptops are the property of the University, not that of the individual staff member. Also, the devices were procured as a single project initiated by the University. I cannot escape the conclusion that the notion of the “HR-based approach” was devised in an attempt to conceal what is clearly a significant lapse in governance at different levels. The same conclusion applies to the notion that these payments should be regarded as operational expenses. In this regard, it should be noted that the DOA for operational expenses, (approved on 10 December 2018) requires Council approval for expenses exceeding R20 million. Since the amount involved far exceeds R20 million, Council approval should in any case have been obtained. Blaming her unwillingness to participate in the Bowmans investigation on those responsible for commissioning the report, again confirms the pattern that is apparent elsewhere, namely that the VC shies away from taking responsibility, preferring to pass on the blame when matters get out of hand. Refer in this regard, for instance, to interim salary increases and Cloghereen refurbishment, discussed elsewhere in this report. Also, an opportunity was missed to engage with the investigators on the matter, and the University is poorer as a result.

#### **4.4.6 Other Matters of Concern**

##### **4.4.6.1 Investments**

- a. I have received several written and oral submissions regarding the appointment of a specific offshore investment manager, notwithstanding a recommendation, on the grounds of costs, of the OIC, to appoint a different offshore investment manager.
- b. Governance concerning UNISA’s substantial investment portfolio (more than R13 billion at 31 December 2021) entails that detail matters and technical analysis of investments primarily be the focus of the OIC, consisting of the CFO, staff of the Finance Department and external investment advisors. The OIC’s recommendations on investment matters are discussed at ManCom, whereafter FIECoC makes the final decision.
- c. During 2021, the OIC engaged in an extensive process to replace an active asset manager with a passive manager in the offshore portion of the UNISA long term portfolio. The value of the transaction was approximately R1,4 billion. This portion of the portfolio was historically managed by three active managers and the intention was to move from these active managers to a single passive manager. In a note to FIECoC, prepared by the University’s investment advisors, it is explained that although a combination of different managers with different investment styles is best suited to active management as the risk in the portfolio could be reduced because of diversification, in a passive management mandate the manager tracks Index returns and does not make active decisions, hence diversification in this scenario becomes less

important. After considering a number of managers for possible appointment, assessing matters such as organisational background, quality of the investment team, tracking error, risk management, fees, take-on ability, transformation and environmental, social and governance considerations, the OIC recommended a specific asset manager. Yet on 18 August 2021 FIECoC decided that the OIC recommendation be disregarded in that it was decided to substantially reduce the amount to be managed by the recommended investment manager in favour of an investment manager that was not recommended by the OIC.

- d. During 2022, having decided to pursue a passive investment strategy in its offshore bond portfolio, the OIC interviewed several asset managers in order to identify an appropriate manager that could effectively track the index. According to a report, entitled "Appointing an Offshore Passive Bond manager in the Offshore portion of the UNISA Long-term portfolio" to FIECoC dated 1 June 2022, the initial process focused on local managers with appropriate skills, a minimum black ownership of more than 50% and a BBBEE rating of at least 2. Before presenting its findings to FIECoC, the investment advisors performed a due diligence exercise on managers eligible for appointment and found that the fees charged were not fully disclosed by all as all local managers, as an industry norm, use the indices of Blackrock, a multinational investment management company based in New York, USA, at additional cost, not always reported. In one instance it is reported that the "extra" cost charged by Blackrock amounts to 0,20%, which could be a substantial amount. The OIC believed, rather than appointing an intermediary at extra cost, directly appointing offshore managers should be considered.
- e. The OIC therefore decided to invite two offshore managers to make presentations on 11 April 2022 in order to select a manager for the Developed Markets Offshore Bond portfolio. Primarily on cost considerations, the appointment of one of these managers was favoured by the OIC, also "... given their footprint of assisting the local community with education". A recommendation was consequently made to FIECoC that this manager be appointed asset manager in the offshore bond portfolio.
- f. Again, at a FIECoC meeting on 1 June 2022, it was decided to substantially reduce the amount to be entrusted to the recommended asset manager in favour of essentially the same asset manager that had previously been preferred over the recommended manager by the OIC even though fees charged by the former is higher.

#### 4.4.6.2 VC Motor vehicle

- a. In the appointment letter of the VC, dated 20 November 2020, it is stated that the VC will be permitted to use a University supplied vehicle. I have received several submissions in this regard, alleging irregularities.

- b. In preparation for the VC taking up office, the then VP: Operations and Facilities, instructed on 22 December 2020 that a Mercedes Benz E 220d be bought for R1,2m for the use of the VC. Apparently, a new vehicle was purchased some two years before, that would be sold after April 2021, upon the departure of the then VC.
- c. During August/September 2021 a new vehicle, Mercedes Benz GLE 400d, was bought for the use of the new VC at a cost of R1,9m. In an interview, the VC was asked whether this should not be regarded as excessive, she responded that this was in accordance with a Council decision prior to her assumption of duty as part of her remuneration package. She asserts that her only input was that she preferred a 4X4 vehicle as she is also visiting the regions; the Registrar, HR and Finance/SCM were responsible for the specifications.
- d. The budgeted amount for the official vehicle was R1,2m. The vehicle that was finally purchased was R1.9m which was R700 000 in excess of the budget. I was informed that all previous VCs used E-Class Mercedes Benzes and were also visiting regions. I do not understand how Council left this matter open ended to officials to provide different accounts on the matter.
- e. The remuneration and benefit structures of Vice-Chancellors are not consistent across the sector. Many universities do not purchase cars for VCs as this used to be the case prior to the restructuring of the higher education landscape. Taxable allowances are paid to some VCs to purchase their own transportation, and some universities do not pay such allowances at all.

#### 4.4.6.3 *Honoraria and Remuneration paid to Council and SRC members*

- a. A table submitted to me indicate that Council honoraria increased by 26% from 2019 to 2020, and by 28,4% from 2021 to 2022. A decline of 17% occurred from 2020 to 2021.
- b. The 2020 increase is ascribed to a proliferation of online meetings during the Covid pandemic, as meetings could be called on short notice, after hours and on weekends. The increase in 2022 is ascribed to an increase in honorarium payments in 2022, doubling the honorarium from R2 500 to about R4260 per ordinary member. These figures include *ad hoc* meetings attended by Chairpersons of Council and committees of Council. Total honoraria paid increased from R1,6m in 2019 to R2,2m in 2022.
- c. National SRC members are paid relatively large amounts per month in the form of stipends, accommodation, relocation costs and rebates on tuitions fees, laptops and cell phones. Stipends alone amount to R2,4m in 2021, while only Pretoria accommodation in same year amounted to approximately R0,2m, relocation costs R0,12m and rebates on tuition fees R0,748m. Individual stipends range from approximately R1 700 per month for Regional SRCs to more than R4 000 per month per member of the National SRC.



#### 4.4.6.4 Irregular appointments, secondments, salary adjustments and misuse of motor vehicles

- a. Irregular appointments and secondments and the concomitant governance failures are discussed in more detail in the HR section of this report. The financial implications of such appointments and secondments should be noted, since irregular appointments and secondments render the salaries and acting allowances paid, in itself irregular. The report by external consultants, following a request by the then VC, dated 30 September 2020, list a number of such irregular appointments, secondments and irregular extensions of such secondments. In addition to salaries paid in respect of irregular appointments, allowances in respect of irregular secondments ranging between R5 231 per month to R23 933 per month have been paid out, in some cases for extended periods of time, following irregular extensions.
- b. Allegations that salaries of union Branch Office Bearers (BOBs) were adjusted to the 60<sup>th</sup> percentile without following the correct process of salary adjustment, were also investigated. It was found that increases were not discussed at the UBF, thereby violating the objectives of the UBF, that percentile increases were not adjusted to all BOBs, that:
  - percentile increases were not implemented at the same time and that
  - there were no fairness and consistency in the implementation of percentile increases in certain cases.
- c. In another report by the same external firm, dealing with allegations relating to the alleged misuse of university cars, *inter alia* by labour union leadership, it was found that union members made use of university cars for prolonged periods. According to GPS tracking reports, places visited were not always UNISA branches or campuses. It is unclear what action has been taken in many of the irregularities identified.

#### 4.4.6.5 Conclusion

- a. I find it strange that, while the results of a proper due diligence process by the OIC and a team of external experts suggest a clear solution in the best financial interests of the University regarding certain investment decisions, FIECoC should, on two occasions, choose not to accept the outcome of such a process. It is not disputed that management's responsibility and mandate affords them the means not to accept advice offered to them. Yet, to pursue an alternative which is contrary to the recommendations of a team of experts, both internally and externally and on both occasions (co-) appoint the same company which had not been the preferred service provider in the first place, raise questions as to the reasons for such decisions.
- b. I find the procurement of a luxury vehicle with elaborate specifications at a cost of nearly R2m for the use of the VC, excessive, especially since her predecessors made use of vehicles that were

far less luxurious. In my view, the VC should be afforded the dignity that corresponds with the office that she holds, but, given the difficult financial situation that thousands of UNISA students have to endure on a daily basis, a degree of frugality by the VC would have gone far in conveying a message of a compassionate leader that occupies a position first and foremost to serve, rather than to be showered with luxuries that most of them, or their parents, not would be able to afford. Previous VCs were able to do that.

- c. The substantial increase in honoraria paid to Council members raises questions as to the frequency of meetings, the number of ad hoc meetings called and, indeed, the size of Council itself.
- d. I doubt whether the University obtains value for money from the stipends, accommodation, relocation and rebates paid to members of the SRC.
- e. It appears as if the recommendations included in the external audit report, issued in 2020, on irregular appointments, secondments, salary adjustments and misuse of motor vehicles, have still not been implemented, although the current VC asserts that she has indeed implemented some of the recommendations. In view of the substantial financial losses to the University as a result of these irregularities, it is implausible that meaningful corrective action and consequence management have not yet been taken by management or Council.

#### **4.4.7 The Audit Function**

##### **4.4.7.1 Internal Audit**

- a. The Department: Internal Audit is headed up by a CAE, who reports functionally to AERMCoC, and administratively to the VC. The CAE is supported by two directorates for Internal Audit and a Division for Investigations. There are 22 positions in the Department. Internal audits are performed by internal staff, but external firms are sometimes engaged for certain projects. An annual evaluation is made by AERMCoC of Internal Audit.
- b. A quality assessment review of the Department was performed during October 2019 by the Institute of Internal Auditors (IIA) of South Africa. The period covered by the review, however, did not coincide with the current CAE's tenure. The main objectives of the review were *inter alia* to assess the Department's conformity to IIA's International Standards for the Professional Practice of Internal Auditing and the Code of Ethics and to evaluate the Department's efficiency and effectiveness in carrying out its mandate per its approved Charter. In general, the conclusion reached by the IIA team was that the Department's efficiency and effectiveness in carrying out its mandate needs to be strengthened, although a rating of "generally conforms" was issued.

- c. In terms of its Terms of Reference, AERMCoC is required to monitor and review the effectiveness of the internal audit function and to perform an annual assessment of the internal audit function's responsibility, budget and staffing. At its meeting of 20 August 2021, a process was initiated by AERMCoC for an assessment of Internal Audit. The assessment was presented to AERMCoC on 28 March 2022 and no major issues were noted, although a skills audit would be conducted.
- d. As is required by King IV, a risk-based audit approach is followed. It would appear that data analytical techniques using big data sets are not utilised extensively. Such techniques are becoming commonplace in any auditing environment, as they allow internal auditors to reach meaningful conclusions that would not have been possible otherwise. Tech-savvy staff who are competent in mathematical and statistical techniques, is however a prerequisite. The CAE concedes that the staff complement in the Department does not necessarily support the use of these techniques, but opportunities are being created for the upskilling of staff.
- e. Value-for-money audits are also not regularly performed. When asked whether such audits would not prevent malfeasance should it become known that such audits are performed regularly, the CAE responded in the affirmative, but added that they are impractical as granular data, which is currently not contained in the system, is required, forcing auditors to go down to source document level.
- f. Several submissions were received that documents produced by Internal Audit are sometimes late for critical meetings. In an AERMCoC meeting of 5 March 2021, for instance, the Chairperson remarked that documents that had been received late from Internal Audit, reflected negatively on the committee's mandate. Also, on 9 September 2021 it was noted that the discussion of the Investigations Protocol should be deferred as it had been received late and therefore did not afford members enough time to study.
- g. The CAE concedes that the staff morale is low; this was confirmed by forensic investigators who found that staff were opposed to the CAE's leadership style (AERMCoC, 17 June 2022). The CAE himself was the subject of a forensic investigation, but all allegations were found to be untrue (AERMCoC, 17 June 2022).
- h. It is a fairly general practice that external auditors, in forming an audit opinion, rely in certain areas on the work done by Internal Audit. Such practice does not only reduce costs, but serves to reinforce the external auditor's opinion on internal controls within the organisation. In cases of fraud, internal audit reports play an important role when external auditors assess the associated risks. The International Auditing and Assurance Standards Board in International Standard on Auditing (ISA 610, revised 2013), entitled "Using the work of Internal Auditors", states, in broad terms, (in par. 16) that external auditors should not rely on the work of internal audit when the status, relevant policies and procedures of Internal Audit do not adequately support the

objectivity of internal auditors, when internal audit lacks competence and when a systematic and disciplined approach (including quality control) is not applied.

- i. In an interview with the external auditors, I enquired whether they rely (in certain areas and to an extent) on the work done by Internal Audit when performing audit procedures and/or forming an audit opinion. The external auditors responded that no such reliance is placed on Internal Audit's work, although their reports are used as a source of information for risk assessment purposes on the audit. Reference is made to limitation of scope about the completeness of information received regarding investigations performed by internal audit, although the list of investigations was signed off by the CAE. The external Auditors therefore concluded that a limitation of scope was placed on their ability to follow up on the completeness of the investigations performed by Internal Audit.
- j. Internal Audit is key to compliance and governance oversight in any organisation, especially at UNISA, where irregularities, malfeasance, non-compliance and lack of consequence management are the order of the day. Such an environment requires a top-notch Internal Audit section, staffed with tech-savvy staff who are at the forefront of the most modern audit techniques. I am not convinced that all or most of the staff complement at UNISA's Internal Audit Department meet these standards. In my opinion, Internal Audit staff clearly needs to be upskilled if the Department is to meet its responsibilities, and staff morale needs to be addressed urgently for this goal is to be achieved in any meaningful way.

#### 4.4.7.2 *External audit*

- a. The office of the Auditor-General (AG) is the designated auditor for higher education institutions, but private audit firms may be sourced to perform such audits on their behalf. For UNISA, one of the so-called "Big Four" audit firms was appointed to perform the audit on the AG's behalf.
- b. On 8 June 2022 the auditors informed AERMCoc that they were not in a position to finalise the audit for the year ended 31 December 2021 by 30 June 2022 in terms of Regulations for reporting by Public Higher Education Institutions (9 June 2014, par 7 (4)) as they would first like to investigate certain matters that had come to their attention pertaining to the MTT report that they had not been privy to. Asked why such an investigation had not been instituted in previous years, given the availability of whistle-blower reports on similar matters, the auditors responded that an investigation had been recommended previously, but it had not been supported by Council.
- c. In a letter, dated 23 June 2022, to the VC, the auditors note "with concern" that certain risks and allegations were made in the MTT report and that certain actions to be taken in respect of the recommended investigations are expected. The auditors indicate that they must determine the

impact of these “pervasive risks”, affecting the highest level of management, on the audit and that these risks require additional audit attention.

**d. The additional risks that the auditors deemed necessary to assess are the following:**

- i. allegations of abuse of power and conflicts of interest;
  - ii. lack of action with regard to forensic investigation reports, some issued more than a year ago;
  - iii. lack of consequence management by VPs following investigation reports where consequence management has been recommended more than a year ago;
  - iv. allegations of circumvention of the supply SCM process;
  - v. allegations of the circumvention of SCM policy through UE;
  - vi. potential tampering with tender evaluations committee;
  - vii. allegations of unauthorised payroll payments;
  - viii. allegations of overpayments for goods and services and
  - ix. increased governance risk as evidenced by communication between the Minister and Council.
- e. As a result of the above, the auditors noted, additional work would have to be done, consequently they foresaw that the date of the issue of the audit report and the management report would have to move to 30 September 2022. It subsequently became clear that the auditors would not meet the extended deadline of 30 September 2022, and in a letter dated 31 October 2022 to the Acting Deputy Director-General: University Education at the DHET, the VC requested further extension for the submission of UNISA’s annual report to 30 November 2022. She noted that “... despite deploying all the necessary efforts to get the audit concluded within the original time requested from the Minister, these efforts have unfortunately fell short and as a result, the University is unable to submit the 2021 annual report today, being the final day for submission as per the extended deadline.”
- f. In its quarterly report to Council dated 1 September 2022, the Chairperson of AERMCoC notes that matters delaying the finalization of the 2021 audit included outstanding lawyers’ letters, forensics issues, contingencies and Legal Services expenses.
- g. Apparently following many interactions between the auditors and management, the auditors indicated during October that UNISA’s risk profile is becoming too high for their (the auditors’) risk tolerance limit, with the consequence that they might have to resign as external auditors**

from the beginning of the 2022 financial year. Having been appointed from the 2018 audit for a period of five years, this would mean the departure of the auditors before the completion of their appointed term.

- h. In an interview, the Chairperson of Council opines that the auditors were “*auditing rumours*” and that an “*unprecedented level of pettiness*” in the audit process was evident.
- i. The Annual Financial Statements for the year ended 31 December 2021 were eventually approved by Council on 14 December 2022.
- j. I was informed that UNISA thereafter appointed SNG Grant Thornton as a new firm of external auditors.
- k. The requirement that a public higher education institution must submit to the DHET by 30 June of each year its annual financial statements for the previous financial year, including the report of the independent auditors, is usually strictly adhered to by Public Higher Education Institutions, especially prestigious institutions who claim to be comprehensive universities that are highly regarded by the South African public in general and, indeed, also by the international community. It is almost inconceivable that such an institution would not be able to meet its obligations in this regard and, if this were to happen, it would signal that something is seriously amiss and that the auditors are probably struggling to finalise their audit opinion because of substantial and serious unresolved issues. As is evidenced from submissions received, it is clear that such a “signal” in UNISA’s case, is indeed an accurate one. The reputational damage to the University was substantial.
- l. I do not agree that the auditors were “auditing rumours”. It is the responsibility of auditors to take note of all information that is available, assess the risks that such information brings to the fore, and tailor their audit approach and procedures accordingly. Attempts by some members of the UNISA leadership to downplay the audit findings and the auditors’ early departure, do not behove responsible leaders who should rather engage in solutions to the matters that have been highlighted by the auditors.
- m. I was intrigued by the social media posts in late December 2022 when UNISA celebrated an unqualified audit six months after all public universities complied with the requirement, and I asked the VC why that was the case, and response was, “*This was my first audit as the new VC. My expectation was that it should have been completed in time and submitted. Towards June, the auditors wanted to do a forensic audit, and I wrote to the Minister and Department stating my understanding of compliance issues. I also wrote to the AG to say what EY required, and to apologise for not submitting accounts in time. We made a commitment to submit within three months but the audits extended the audit, so I wrote to all those parties again. I must be honest, I*

*was embarrassed that we were late, but I also looked at the management letters and the actions we have to work on. The CFO is already engaging with the different environments that we have to engage with to address our deficiencies. I will definitely try that this does not happen again this year, it is receiving our focused attention”.*

#### 4.4.7.3 Reportable Irregularities

- a. In terms of section 45 of the Auditing Profession Act, No 26 of 2005, if an auditor of an entity is satisfied or has reason to believe that a reportable irregularity has taken place or is taking place in the entity, the auditor must send a written report to IRBA, giving particulars of the irregularity, and also notify the board, giving details, of the report lodged to IRBA. Within 30 days, the auditor must discuss the report with the board and afford the board the opportunity to make representations, where after the auditor must send a second report to IRBA, wherein it is indicated that no reportable irregularity has taken place (or is taking place), or is no longer taking place or is still continuing. IRBA will then furnish the relevant regulatory authority of the detail of the irregularity. The APA defines a reportable irregularity as any unlawful act or omission committed by any person responsible for the management of an entity, which -
  - i. has caused or is likely to cause material financial loss to the entity or to any partner, member, shareholder, creditor, or investor of the entity in respect of his, her or its dealings with the entity; or
  - ii. is fraudulent or amounts to theft; or
  - iii. represents a material breach of any fiduciary duty owed by such person to the entity or any partner, member, shareholder, creditor, or investor of the entity under any law applying to the entity or the conduct or management thereof.
- b. It has come to my attention that three cases that the auditors regard as reportable irregularities during the audit for the year ended 31 December 2021, have been reported in accordance with the provisions of the APA.
- c. The auditors informed Council on 13 October 2022 that they had reason to believe that a reportable irregularity had taken or was taking place. In a separate report to IRBA, the nature of the alleged irregularity was disclosed, that the University had received allegations of abuse of power and conflicts of interest in procurement contracts against the former Chairperson of UNISA Council, whereupon Council sought independent external legal advice on whether an investigation should be conducted into the matter. **Although the legal opinion confirmed that Council has a legal obligation to investigate the matter as well as to report the suspected**

**corruption to the police in terms of the Prevention and Combatting of Corrupt Activities Act, no 12 of 2004, no action has (at the date of writing of the letter) been taken by Council.**

- d. In a letter dated 11 November 2022, the auditors reported to IRBA that they have discussed the report with members of Council and they have also undertaken further investigations into the matter, but, in their opinion, the reportable irregularity is continuing as the matter has not been reported to the SAPS as required by section 34(1)(a) of the Prevention and Combatting of Corrupt Activities Act (12 of 2004) and that no further investigations have taken place by the University.
- e. In addition to the above, two further reportable irregularities were raised by the auditors.
- f. Complaints were made by 113 students about bribes and other benefits to improve exam marks and to access exam papers before the official exam. The auditors note that there are insufficient controls in place to ensure rigorous management of risks and compliance with laws and regulations. As the University informed the Information Regulator of the breach after the first letter of notification of a reportable irregularity to IRBA, the irregularity was, from a process perspective, if not from a substantial one, resolved.
- g. Also resolved in terms of process, but not in substance, is the uncovering of fraudulent claims in excess of R100 000 during a forensic investigation which was not reported to the SAPS, thereby breaching Section 34(1) of 4 PreCCAA. A case has subsequently been opened with SAPS.
- h. In its report on the audit of the financial statements for the year ended 31 December 2021, the auditors further note that adequate compliance monitoring controls to ensure compliance with PreCCAA, have not been implemented, nor have adequate controls been implemented to ensure that the financial statements are complete and accurate, since material changes were required to the financial statements after its submission for audit. In its Report on internal and administrative controls included in the Annual Report for the year ended 31 December 2021, signed by the CAE and the Chairperson of AERMCoC, it is conceded that the "... systems of internal control over its operational environment, information reporting and safeguarding of assets against their unauthorised acquisition, use or disposal is 'partially effective'".
- i. In the AERMCoC Chairperson's Report to Council, dated 1 September 2022, it was reported that a forensic investigation had been conducted on the payment of a new system in December 2020 and it was found that fraud to the amount of R15m had taken place. As the fraud had not been reported to the SAPS, a transgression of PreCCAA has taken place. The report notes: "*The Principal and Vice-Chancellor should take the required action in line with the regulations of PreCCAA.*"



- j. Filing a reportable irregularity with IRBA by the auditor of an institution, may have serious consequences for such institution as it may indicate a substantial breach of the system of internal control and, crucially, even criminal activity that goes unreported. A sound system of internal control is key to compliance and, ultimately, good governance. Failures in this regard may expose the University to financial irregularities and malfeasance. For a prestigious institution of higher education such as UNISA, to be tainted in such a way, not only causes immeasurable reputational damage, but assigns it to the company of those not known for excellence and academic superiority.

#### 4.4.7.4 *Audit and Enterprise Risk Management Committee of Council (AERMCoC)*

- a. AERMCoC is one of the key governance structures in the University and indeed, although it may be known by different titles, in all organisations. This committee is responsible for exercising independent oversight of the assurance functions, including compliance. Towards the end of 2022 AERMCoC engaged the Institute of Directors to evaluate its performance. At the time of writing, I was unable to find the results of such evaluation.
- b. In its final report dated August 2021, entitled "Report of the Ministerial Task Team to Conduct an Independent Review of the University of South Africa" to the Minister, the MTT noted that, given the complexity and size of its annual budget, the expertise required in financial matters is fundamental and would as "an absolute minimum" require the Chair of AERMCoC to be a Chartered Accountant, "especially given that the University has a culture of non-compliance". It notes that the Chair of AERMCoC (at the time) was a lawyer, albeit with considerable business experience. I concur with the view that the Chair of AERMCoC should be a Chartered Accountant, and note that, since the MTT report was presented to the Minister, a new Chair, a Chartered Accountant, assumed the position of Chair at AERMCoC, and chaired her first meeting on 5 March 2021. I have received submissions that, while not all detailed reports prepared by Internal Audit had previously been presented to AERMCoC, from January 2022, at the insistence of the new Chair, all details are being disclosed and discussed. By all indications, the new chair is performing well in the role. This is to be welcomed.
- c. I have received submissions that the relations between the VC and the Chair of AERMCoC is strained. The VC states that the relationship is "not horrible", but complains that she has been humiliated in the presence of staff members. She also complained that she is being asked to account for matters that happened before she joined the University. I have received submissions that the VC "was not taking AERMCoC seriously", in that meetings are sometimes not attended, without tendering an apology, and by not affording the committee the "amount of decorum that it deserves" and that she is unresponsive to requests by the Chairperson of AERMCoC to arrange

private meetings between them. A member of Council contends that the VC “does not understand governance”, does not take responsibility in a meeting for something that went wrong, and then accuses a subordinate. At an AERMCoC meeting of 9 September 2021 it was decided “... that the office of the VC, Prof P LenkaBula should appreciate the committee’s oversight role by complying with all the resolutions it has taken instead of second-guessing it or amending such resolutions, and that such resolutions are to be taken in a serious light and duly attended to.” In a letter to the Chairperson of AERMCoC, discussed at an AERMCoC meeting of 17 June 2022, the VC expressed discomfort on the “... escalating indifference and denigration towards herself” at meetings of the Committee. The Committee decided that the Chairperson of Council should facilitate a discussion between the VC and the Chairperson of AERMCoC to engage on the matter.

- d. **In its meeting of 30 March 2022, Council received the VC’s first state of the University quarterly report on academic progress and achievement, and simply noted that “compliance issues need to be improved”.** I don’t know what to make of this, except that the tension appeared palpable.
- e. The CAE regularly presents to AERMCoC a document containing information pertaining to the significant investigations into fraud, corruption, and irregularities. The fourth quarter summary for 2022 indicates that, out of 15 cases reviewed, only 4 have been concluded, in two further cases, management responses have been received while no responses have been received from management in 9 cases. These 9 cases ranged from allegations of irregular payments, of solicitation of money from E-tutor(s), of mismanagement of donor funding, of irregular appointment and payment of service providers, of recruitment irregularities and of travel fraud.
- f. The Issues Log of AERMCoC dated 19 August 2022 indicate the matter of contractual compliance, dealing mainly with the establishment of a compliance office to monitor performance, was outstanding for more than six months.
- g. As the structure charged with the exercising of independent oversight of the assurance functions, including compliance, it would have been expected that the matter of non-compliance would be high on the agenda of AERMCoC. In its meeting of 24 March 2022, AERMCoC takes note of compliance matters brought to its attention by its Risk Sub-Committee and decides to escalate these issues to the VC and that an update should be provided at the next meeting. However, in the minutes of the next meeting, held on 8 June 2022, no reference is found in this regard.
- h. The External auditors also questioned the Committee’s ability to exercise its oversight role (AERMCoC 8 June 2022).
- i. The working relations between the VC and the AERMCoC Chair however, although apparently lately improving, is not conducive to the success of the oversight role that AERMCoC has to play.

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This may also lead to the conclusion by some that Council does not take AERMCoC seriously. Although AERMCoC is not empowered with executive functions, its role is to ensure that Council harnesses AERMCoC's expertise to ensure that issues pertaining to its oversight role, are constantly on Council's agenda.

- j. Council should then ensure that management is held accountable and that there are consequences for individual members of management who do not ensure that in the areas of their responsibility.

#### 4.4.7.5 Non-Compliance

- a. The governance failures that have been highlighted in this report could be viewed against the backdrop of the University not complying with the codes of practice and conduct and the Code of ethical behaviour and practice, insofar as it is relevant to UNISA, as set out in the King IV Report on Corporate Governance. This much is acknowledged in the University's annual report for 2021, where it is indicated that this objective has not been achieved.
- b. It would be safe to conclude that a culture of non-compliance indeed permeates the University and that Council have failed the University in this regard.
- c. The importance of compliance for any well-functioning organisation cannot be over-emphasised. When compliance starts lapsing, a process of snowballing is often set into motion that soon besets the organisation with a culture of indifference. I believe that UNISA has already traversed this dangerous path.
- d. In many of the submissions received, both verbally and in writing, the MTT's remark on non-compliance is echoed. Many examples of non-compliance are discussed in this report. What is astonishing, is that senior staff members refer to this culture of non-compliance in a matter-of-fact way as if the situation is beyond their control, and therefore should merely be accepted. In an interview, an ED, indicated that *"...the problem is that people are simply non-compliant. In UNISA, when non-compliance happens, nothing happens to those people. In the Audit Committee we have reports going back three or four years, nothing happened."* An Acting ED concedes that the extent of non-compliance is "alarmingly high" and yet another ED explains that *"people don't take these... (compliance)..seriously... we report non-compliance and breaches on a quarterly basis, but the movement is very thin..... It is like there is no urgency in applying those findings ..., it is like compliance is just a tick in UNISA."* The Auditors recommend in their management report for the year ended 31 December 2021, that Management should investigate the causes of the non-compliance with laws and regulations and should implement corrective actions. This recommendation is prefixed as a high risk.

#### 4.4.8 UNISA Enterprises (Pty) Ltd

- a. UNISA Enterprises (Pty) Ltd (UE) is a private company with UNISA as its only shareholder. According to its financial statements for the year ended 31 December 2019, the latest that are available at the time of writing, the company is the third-stream generating income entity of the University. In an interview, UNISA's CFO explained that UE is a company that was established to be more flexible than the "constrained environment" of UNISA to pursue commercial opportunities and compete with private enterprises. The company has been capitalised through a convertible loan from UNISA as seed funding. According to the latest audited financial statements, a loan from UNISA amounts to R20,7m at 31 December 2019. Although the financial statements of UE at the time of writing was not available after 2019, according to submissions received, this amount has grown to some R50m at 31 December 2022.
- b. In a report published in March 2022, the Board of UE consists of two members nominated by Council as well as the CFO of UNISA and UE's CFO. The rest of the Board members are external to UNISA. According to the audited annual financial statements of UE for the year ended 31 December 2019, there were six directors, one appointed on 1 November 2019, one on 1 May 2020, one on 1 February 2021, two on 25 June 2021, while the appointment date of the sixth member is not provided. There were also two resignations, one on 4 June 2021 and one on 13 August 2019. According to UNISA's CFO, the Board functions independently, yet "*the governance still has to mature*" as both the Chief Executive Officer (CEO) and the CFO left the company, following investigations, these positions are now being filled by persons acting in their respective roles.
- c. An analysis of the 2019 financial statements indicates the sole revenue as "Sale of Goods" to the value of R5m (2018: R0,8m), with expenses of R9,5m (2018: R3,7m). Employee benefits and Consultancy fees accounts for 69% (2018: 84%) of total expenses. The 2019 financial statements also reflect a transaction of R33,2m from the acquisition of the Bureau of Marketing Research from UNISA, which is included under "Other Financial Assets" on its Statement of Financial Position and included as an "Other Gain" in the Statement of Profit or Loss and Other Comprehensive Income. In the notes to the financial statements, it is indicated that the acquisition was measured and recognised at fair value. It is unclear how the "fair value" was determined and by whom. This transaction turned a potential loss of R9,2m into a profit of R24m. The accounting treatment of the transaction suggests that the transfer of this UNISA asset had been regarded as a donation to UE, raising serious questions as to whether the legal requirements for the sale of assets of a university had been met. When this question was raised with the UNISA CFO, he was not immediately able to respond, but in a subsequent e-mail he indicated that, in a

discussion with the Chair of Council, the latter indicated that Council's understanding was that, since EU is a 100% subsidiary of UNISA, the transfer was not considered to be a disposal.

- d. In the monthly management accounts for September 2022, prepared by the Finance Department, it is noted that, during April 2022, a significant reduction (52,5% compared to March 2022) in revenue from R1,3 million to R0,6m occurred. A loss of R1,2m was incurred during the month, compared to a loss of R0,9m the previous month. A consultant was appointed to develop a turnaround strategy, detailing projects that can generate profits while additional funds are requested from UNISA for operational requirements during the period of the turnaround.
- e. The business model initially envisaged was that intellectual property (IP) developed by UNISA academics would be taken to the patent stage, whereupon UE was supposed to identify those that were commercially viable propositions, and proceed through the next stages. According to a submission, that never happened. Instead, external partners are being identified for specific projects and UE pays as much as 90% of the income to the partner, while retaining 10% as company revenue. It appears as if UE rely to a large extent on activities that are usually performed by the University to intercede as go-between, thereby adding another layer of cost to such activities.
- f. According to a submission received, there is no process in place on how such partners are secured. Agreements would be signed by UE's CEO or CFO without following proper procurement or tender processes. The arrangements would often entail that UE essentially receive a "commission", while the bulk of the income is forfeited to the external providers. According to a submission received, UE seemed not to properly vet these partners beforehand, and appointments would be made without any due processes being followed. In many instances, the services that "partners" were supposed to provide, failed. According to a report by an external party, entitled "Report of the Review of the Revenue Models used by UNISA Enterprises (Pty) Ltd", dated January 2022, a lack of approved policies and regulations cause inconsistencies in the process of identifying and selecting business partners. It recommends serious improvements in the process followed to select business partners before they are presented to the board.
- g. To illustrate the above clumsiness, UE attempted to take over the disbursement of funds to students (NSFAS, for example) which had previously been done by an outsourced company about which students raised certain concerns. UE appointed an external service provider to assist in this venture at a cost of R8,6m, apparently without performing any meaningful due diligence and upon approval of FIECoC on 8 April 2022. Finance pointed out that this arrangement would result in the charging of students for disbursements as well as UNISA having an agency fee on top of that, resulting in a "double charge" to students for this service. Furthermore, according to submissions received, this external service provider had no experience in the disbursement of

student funds, and limited capacity and capability to successfully execute on the venture. Also, the company had no strategic and operational plan, no technical support staff, and no service centre for student queries. At the insistence of Finance and SCM staff, a due diligence revealed that there were several shortcomings that would render the favoured company unable to perform the required functions. A report dated 7 April 2022 indicated that “...UNISA Enterprise did not meet the mandatory requirements as detailed in the evaluation criteria, therefore the TWC will await UNISA Enterprise to fulfil the requirement for technical evaluation to commence.” **Nevertheless, FIECoC went ahead on the next day, 8 April 2022, to approve the disbursement of student funds through UE.**

- h. A student leader informed me that this was frowned upon by students (“*something funny going on*”) as certain student leaders were lobbied to support the new system, although no discussion in governance structures took place. Given the high level of noise because of UE’s inability to proceed with disbursements, the proposal did not come to fruition and eventually alternative arrangements were made. A report by an external party indicates that SCM processes were not followed and that possible conflicts of interest existed, but that no proper policies were in place to deal with such conflicts. The preferred service provider could not be regarded as a revenue source, as they merely provided the infrastructure for payments, however insufficient such infrastructure might have been, according to submissions received.
- i. I have also received submissions that UE is being used to circumvent UNISA SCM processes. It is alleged that UE is used as a vehicle for corrupt activities as it does not have to comply with UNISA’s SCM policy. The external auditors view these allegations as a concern. In an interview with UNISA’s CFO on 2 December 2022, these allegations were put to him. He conceded that it would be possible.
- j. In a letter dated 23 June 2022 to the VC, the External Auditors refer to a general independent contract review performed by an external party, implicating both the CEO and the CFO of UE in irregularities, the result of which was apparently that the services of the CEO had been terminated and the CFO had been disciplined. According to the External Auditors, a review report indicates that some contracts had been unsustainably priced, while there is no process for the contracting of sustainable business partners. The External Auditors remark that these matters bring the control environment of UE into question and hence open to heightened risk.
- k. At its meeting of 14 December 2022 Council approved a **turnaround strategy** for UE. **Another loan of R50m was approved, as well as a repayment plan for the original loan of R50m.** The turnaround strategy *inter alia* involves the ring-fencing of certain projects to UE regarding enterprise supplier development, property repurposing and management, conferences and convening dialogues, university retail services and education business solutions.



- l. I find that UE has not succeeded in its goal of generating third stream income for UNISA. While it was established to gain more independence from State subsidy, the opposite has actually happened in that UNISA is now relying more on State subsidy. There is an unstable leadership and no appreciation of governance principles. Over the period of its existence, UE has achieved nothing meaningful, while having squandered the seed funding of R50 million that has been advanced to them by UNISA. The Turn-Around Strategy is yet to prove its success, but up to now, UE's business model has been questionable, and its finances are in a shambles. The attempt at window dressing by transferring a UNISA assets to UE is not only probably illegal, but a clear attempt to mislead by reporting a surplus, where there is none. At the very least, competent legal opinion should have been sought before such transfer was effected.
- m. In its present form UE is unsustainable and is likely to remain a drain on the finances of UNISA. This is clearly not a sustainable situation as is evidenced by a note to the financial statements that "(t)he business plan is aimed at obtaining set-asides from UNISA to keep the company sustainable in the near future."
- n. It is possible that questionable transactions to circumvent UNISA policies are being conducted, as has been alleged in several interviews and submissions. The External Auditors suggest that the MTT's proposal for a forensic investigation of UNISA should be extended to include UNISA Enterprise. I agree with this proposal by the External Auditors.

#### **4.4.9 Financial Report**

##### *4.4.9.1 Ratio and trend analysis*

- a. For the purposes of the Financial Report, the Statement of Financial Position (Balance Sheet), Income Statement and Cash Flow statement have been summarised for the financial years 2017 - 2021, using the audited annual report as basis for the summary. To highlight financial trends, a period of five years has been included in the summary.

<b>SUMMARISED STATEMENT OF FINANCIAL POSITION (Balance Sheet) Rm</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>NON-CURRENT ASSETS</b>	<b>3 274</b>	<b>2 674</b>	<b>2 445</b>	<b>2 282</b>	<b>2 328</b>
Property, plant and equipment	2 826	2 519	2 308	2 152	2 152
Other non-current assets	448	155	137	130	176
<b>CURRENT ASSETS</b>	<b>7 951</b>	<b>8 618</b>	<b>9 955</b>	<b>12 428</b>	<b>16 199</b>
Inventories	191	210	203	164	101
Trade and other receivables	661	735	1 172	1 574	1 325
Other investments	6 458	7 170	7 665	10 091	13 889
Pension Fund asset	193	197	188	248	267
Cash and cash equivalents	448	306	727	351	617
<b>TOTAL ASSETS</b>	<b>11 225</b>	<b>11 292</b>	<b>12 400</b>	<b>14 710</b>	<b>18 527</b>
<b>EQUITY AND LIABILITIES</b>					
<b>PPE DISTRIBUTABLE RESERVES</b>	<b>1 521</b>	<b>1 548</b>	<b>1 574</b>	<b>1 620</b>	<b>1 766</b>
Unrestricted	0	0	0	1 541	1 684
Restricted	1 521	1 548	1 574	79	82
<b>DISTRIBUTABLE RESERVE</b>	<b>7 022</b>	<b>6 954</b>	<b>7 826</b>	<b>9 592</b>	<b>12 742</b>
Unrestricted	6 986	6 919	7 791	9 560	12 698
Restricted	36	35	35	32	44
<b>TOTAL EQUITY</b>	<b>8 543</b>	<b>8 502</b>	<b>9 400</b>	<b>11 212</b>	<b>14 508</b>
<b>NON-CURRENT LIABILITIES</b>	<b>1 147</b>	<b>867</b>	<b>844</b>	<b>780</b>	<b>733</b>
Lease liabilities		35	11	18	7
Post-employment medical obligations	752	758	753	711	692
Employee benefit liability in respect of pension fund guarantee	33	25	33	51	34
Other	362	49	47	0	0
<b>CURRENT LIABILITIES</b>	<b>1 535</b>	<b>1 923</b>	<b>2 156</b>	<b>2 718</b>	<b>3 286</b>
Trade and other payables	1 114	992	1 230	1 336	1 904
Post-employment medical obligations	53	59	63	64	63
Accumulated leave	21	358	403	562	612
Other	347	514	460	756	707
<b>TOTAL EQUITY AND LIABILITIES</b>	<b>11 225</b>	<b>11 292</b>	<b>12 400</b>	<b>14 710</b>	<b>18 527</b>

<b>BALANCE SHEET RATIOS</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Total Equity/ Total assets%</b>	76	75	76	76	78
	This ratio gives an indication of the extent to which an organisation funds its assets with its "own" funds. More than three quarters of total assets are funded by equity, which, in the case of a public institution, can be considered healthy. Furthermore, the trend is fairly stable over the selected five years.				
<b>Total liabilities/ Total equity%</b>	31	33	32	31	28
	Since total assets are financed by total liabilities and total equity, this ratio gives a different view on the organisation's financing structure, i.e. the extent to which "outside" funding, as opposed to "own" funding is utilised. In UNISA's case, liabilities form less than one third of the total equity. Furthermore, the trend is fairly stable and shows a moderate decrease in liability funding. This could be regarded as a healthy ratio for a public institution.				
<b>Current ratio</b>	5	4	5	5	5
<b>Quick ratio</b>	5	4	5	5	5
	The current ratio indicates the ability of an institution to meet its short-term obligations from resources that are also of a short-term nature. As inventories are also regarded as sources of a short term nature, but are not as liquid as other resources included in this category, inventories are excluded from short term resources when calculating the quick ratio, thus employing a more stringent measure of liquidity. Since inventories are relatively immaterial to total short term resources, there is little difference between the current ration and the quick ratio in UNISA's case. Normally a current ratio of 2 is regarded as a prudent and healthy measure, implying that short term liabilities are covered twice by short term resources. In UNISA's case, the number of 5 indicates a healthy liquidity position.				
<b>Growth % reserves</b>		0	11	19	29
<b>Growth % unrestricted reserves (excluding PPE reserves)</b>		-1	13	23	33
	The growth in reserves, especially unrestricted reserves, during the last three years outstrips inflation, as well as the growth in UNISA's total expenses (see later). This can be regarded as a healthy situation.				

<b>SUMMARISED STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME Rm</b>					
<b>COUNCIL CONTROLLED &amp; UNRESTRICTED</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>REVENUE</b>	<b>7732</b>	<b>7315</b>	<b>8644</b>	<b>9806</b>	<b>11164</b>
State subsidies	3158	3512	4104	4501	4638
Tuition and other fees	3336	3763	3530	4753	4547
Contract income	35	14	20	20	19
For research		12	18	19	18
For other activities		2	2	1	1
Interest, dividends and rental income	297	360	420	402	496
Fair value adjustment	591	-667	246	-167	1199
Other	315	333	324	297	265
<b>EXPENDITURE</b>	<b>6994</b>	<b>7207</b>	<b>7749</b>	<b>8055</b>	<b>7931</b>
Personnel costs	4737	5137	5515	5768	6032
Academic & professional		2374	2466	2392	2725
Other personnel		2763	3049	3376	3307
Other current operating expenses	1936	1511	1825	1360	1752
ECL impairment (reversal)/loss		228	69	615	-106
Depreciation and amortisation	320	323	333	305	247
Finance costs	1	8	7	7	6
NON-RECURRENT ITEMS	-9	-1	-1	-1	-1
<b>NET SURPLUS</b>	<b>729</b>	<b>107</b>	<b>894</b>	<b>1750</b>	<b>3232</b>
Re-measurement gains	47	-54	4	86	51
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>776</b>	<b>53</b>	<b>898</b>	<b>1836</b>	<b>3283</b>

<b>INCOME STATEMENT RATIOS</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Surplus/Total Revenue%</b>	9	1	10	18	29
	This figure indicates the percentage of total revenue that has not been expended. Over the last three years, this figure is on the increase, reinforcing the growth in reserves, shown earlier.				
<b>Subsidies/Total Revenue excluding Fair value adjustment</b>	44	44	49	45	47
	Since the fair value adjustment is in itself an erratic figure and not part of the core income of the University, excluding it from Total Revenue produces a more useful figure for comparative purposes. Almost half of the University's revenue is derived by State subsidies. This figure shows UNISA's relative dependence on subsidies in				

	the pool of income streams. Ideally, this trend should be downward, especially in view of the University's stated goal of becoming less dependent on State subsidies, <i>inter alia</i> through the endeavours of UNISA Enterprise. Over the five-year period this ratio has increased by almost 7%, indicating a growing dependence on state subsidies.				
<b>Tuition fees/Total Revenue %</b>	43	51	41	48	41
	This figure shows UNISA's relative dependence on tuition fees in the pool of income streams. If the trend is upward, greater relative dependence on tuition fees as an income stream may be indicative of the relative general level of tuition fee increases, but also of a decrease in other income streams. The erratic pattern in this case is largely due to a decrease in tuition and other fees in 2021, but also to the fact that fair value adjustments are included in total income and that an exceptionally large positive fair value adjustment was recorded in 2021.				
<b>Tuition fees/Total revenue excluding fair value adjustment</b>	47	47	42	48	46
	When fair value adjustments are excluded from total revenue, the pattern is less erratic. The indication remains that almost half of UNISA's revenue is generated by way of tuition fees. The low level of third-stream income exacerbates the relatively high dependence on tuition fees and subsidies. The relative decrease in tuition fees ("core income") is worrying.				
<b>Personnel cost/Total expense%</b>	68	71	71	72	76
<b>Personnel costs / Total revenue excluding fair value adjustment %</b>	66	64	66	58	61
	The above figures indicate that three-quarters of total expenses are paid towards salaries and that almost two-thirds of UNISA's total revenue is paid to salaries. This is a worrisome feature of UNISA's Income Statement and certainly one that needs Council's urgent attention.				
<b>Subsidy growth %</b>		11	17	10	3
	The declining tendency in this figure should be hugely worrisome to Council, especially since State subsidy is almost half of the University's total income. It is probably at least partly due to the problematic enrolment management process that besets the University, as discussed elsewhere in more detail.				
<b>Tuition fee growth %</b>		13	-6	35	-4
	This is an unusually erratic figure and is probably indicative of the problematic enrolment management process that besets the University. The declining tendency in this figure should be hugely worrisome to Council. This is discussed in more detail elsewhere in this report.				
<b>Third stream income as % of total revenue</b>	5	5	4	3	3
	This is indicative of the low level of third-stream income and testament to the failure of UE.				

<b>SPECIFICALLY FUNDED ACTIVITIES - RESTRICTED FUNDS (Rm)</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Tuition and other fee income	34 054				
Sales of goods and services	5 680	720	347	2	3 023
Income from contracts					
- for research				9 284	28 675
- for other		22 295			
Private gifts and grants	301		17 472	37	36
Interest and dividends			378		
Operating expenditure	-17 719	-23 243	-18 260	-34 247	-17 471
Finance costs					-8
Depreciation and amortisation		-98	-448		
Net surplus / loss	22 316	-326	-511	-24 924	14 255

<b>Cash Flow from Operating Activities (Rm)</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Cash flow from operating activities	659	988	832	2329	3090

<b>STUDENT DEBT (EXCLUDING NSFAS) (Rm)</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Student receivables - gross	350	505	593	644	657
Impairment	42	318	252	347	346
Student receivables - net	308	187	341	297	311

<b>STUDENT DEBT NSFAS (Rm)</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Gross	157	426	806	1 641	1 302
Impairment	115	118	241	754	653
Net	42	308	565	887	649

<b>STUDENT DEBT TOTAL (Rm)</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Gross	507	931	1399	2285	1959
Impairment	157	436	493	1101	999
Net	350	495	906	1184	960

<b>BALANCE SHEET /INCOME STATEMENT RATIOS</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Unrestricted reserves (excluding PPE)/ expenses</b>	1	1	1	1	2
	This ratio indicates to what extent the institution's annual expenses are covered by its reserves, specifically unrestricted reserves, since they are the only reserves that Council is able to utilise at its own discretion. For 2021, this ratio indicates that the University would be able to sustain its annual expenses for two years should an emergency arise and should other streams of income no longer be available. This can be regarded as a healthy situation.				
<b>Student debt (before impairment)/tuition fees%</b>	15	25	40	48	43
<b>Student debt (after impairment)/tuition fees%</b>	10	13	26	25	21
	These ratios indicate the extent of unpaid student fees, before and after impairments. For 2020, almost half of tuition fees levied were unpaid at the end of the financial year. In 2021 this figure has improved slightly to 43%. A decline in tuition fees of 4% from 2020 to 2021, partially resulted in a decline in outstanding student debt from 2020 to 2021 with 14%. Although there has been an improvement in outstanding student debt compared to tuition fees from 2020 to 2021, the figure of 43% (21% after impairments) should be regarded as unacceptably high.				
<b>Impairment % NSFAS</b>	73	28	30	46	50
<b>Impairment % Other</b>	12	63	42	54	53
<b>Impairment % total</b>	30	47	35	48	51
	The impairment of student debt is unacceptably high. This matter needs the urgent attention of Council. More than half of all student debt is impaired.				
<b>Return on investments %</b>		-5	9	3	17
	The return on investments is erratic. Except for 2018, the returns are acceptable, given the unusual circumstances during 2020.				

<b>CASH FLOW RATIO</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Cash Flow from operating activities/net surplus less fair value adjustment</b>	5	1	1	1	2
	This ratio gives an indication of the extent to which net surplus is supported by cash flow. Since the fair value adjustment may distort the ratio, it is excluded from surplus. The higher this ratio, the higher the quality of net surplus. The figures above point to a fairly healthy situation. The figure for 2017 can be regarded as an outlier and further analysis is deemed superfluous.				

From the tables with financial ratios and trend analysis as well as from enquiries made and submissions received, the following remarks, conclusions and recommendations are made.

#### 4.4.9.2 *Post retirement funding*

- a. The National Tertiary Retirement Fund is a defined contribution fund with a small membership of 114 (2020: 127). A Non-current liability regarding Employee benefits in respect of a guarantee of the fund of R34m (2020: R51m) is carried on the University's Balance Sheet. An actuarial valuation for the purposes of IAS 19 of the Defined Benefit ("DB") obligations of the University and the Employer Surplus Account in the Fund indicates fund assets of R25,9m and liabilities of R59,8m, leaving a net liability of R33,9m, which is included in the Balance Sheet at 31 December 2021. The net liability is not specifically funded, as no assets have been ring-fenced for this purpose, but by virtue of it being reflected as a liability on the University's balance sheet, the University is at this stage able to fund it. Excluded from the assets are those assets backing the Defined Contribution (DC) element of the Fund. For the DC element of the fund, the actuaries assume that assets and benefit obligations at 31 December 2021 are equal. The annual cost to the University is R8m (2020: R5m).
- b. The UNISA Retirement Fund is a defined benefit fund and has 470 (2020: 527) active members entitled to the defined benefit underpin and 812 (2020: 742) pensioners. An actuarial valuation for the purposes of IAS 19 of the Defined Benefit ("DB") obligations of the University and the Employer Surplus Account in the Fund indicates a fund surplus of R397,4m and an employer surplus of R266,9m, which is included in the balance sheet under current assets. The assets of the Fund are held independently of UNISA's assets in a separate trustee-administered fund. For the DC element of the fund, the actuaries assume that assets and benefit obligations as at 31 December 2021 are equal. The annual cost to the University is R21m (2020: R16m).
- c. UNISA subsidises medical scheme contributions to all eligible retired employees and continuation members who joined the University before 1 January 2006. An actuarial valuation for the purposes of International Accounting Standard 19 (IAS 19) was performed for the year ended 31 December 2021. The subsidised amount increases annually on 1 January with health care cost inflation. 124 (2020: 132) in-service members and 830 (2020: 870) continuation members qualify for the subsidy. The accrued liability in terms of both in-service and continuation members as at 31 December 2021 was actuarially valued at R754,9m (2020: R775,3m) and is reflected as such on the balance sheet. Since no assets have been ring-fenced to fund this liability, it is regarded as unfunded, but by virtue of it being reflected as a liability on the University's balance sheet, the University is at this stage able to fund it. The actuaries project this liability to increase as follows: 2022 – R768m; 2023 – R779m; 2024 – R785m; 2025 – R787m; 2026 – R782m. The current service cost and interest cost, included in personnel cost for the year ended 31 December 2021 amounts to R72,2m (2020: R77,3m).



- d. In my view, financial arrangements for the post-retirement contractual commitments of the University are adequate. In view of the rate of medical inflation, which has consistently exceeded CPI over a number of years, commitments in terms of post-retirement medical provision are usually regarded as an area of high risk. Since employees who joined the University from 2006 are not eligible for this benefit, the risk is, however, fairly contained and is therefore not regarded as a material risk to UNISA's financial sustainability.

#### 4.4.9.3 *Salary expenses*

- a. The increasing personnel cost as a percentage of total expenses should receive Council's urgent attention. As personnel related expenses is the largest single expense item of the University, and the fastest growing item, this should clearly be a source of major concern to all responsible for governance and management in the institution.
- b. The interim salary adjustment of R190m that had been implemented, as has been detailed in this report, should be noted. In its monthly management accounts for the year ended 31 December 2021, the Finance Department points out that there is no correlation between the decline in operations and the increase in the cost of HR. HR cost per head is R61 856 against a budgeted figure of R66 978. The budgeted split between academic and support staff, favours support staff as administrative salaries account for 53% of the HR budget and academic salaries account for 43% of the HR budget (other: 4%).
- c. In the CFO's risk portfolio at 31 December 2021, unsustainable HR cost growth risk is rated as the highest financial risk. In the MTEF Budget 2023 – 2025 it is shown that, although the average CPI for the period 2009 – 2021 was 5,34%, the average increase in salaries at the University over the same time was 7,20%. It is important, also, to note that a 1% increase in salaries amounts to R66,8m, while a 1% increase in tuition fees would only enhance revenue with R48,1m.
- d. Actions proposed to address this risk include the implementation of a financial sustainability plan by line management, incorporating all revenue streams and cost drivers. Key ratios should be monitored in terms of a cost management plan. It is unclear whether such a sustainability plan has indeed been devised, although, in terms of a Council decision of 14 December 2021, HR support budget was reduced with an amount of the R190m. As indicated elsewhere in this report, at the time of writing, it appears as if little headway was being made as portfolio managers were still being engaged to communicate Council's decision in this regard.
- e. I have also received a submission that some 91 staff members in the Office of the Registrar were out of work because of the University's move to online teaching, yet they were still being remunerated. In a note to the Registrar by the Acting ED: HR, dated 5 September 2022, the former states that an amount of R74,5m has been lost by the University over a period of two and

a half years, requesting advice on how this money should be recovered. When the Registrar was requested to respond, he said the number “... *is actually less than 91..*”, and they were people who worked in distribution before COVID. “...*you cannot use them in the call centre or anywhere.*” HR will now place these people where there is a need for resources.

- f. In an interview, the CFO referred to insourcing of security staff during 2015 when between 1 500 and 1 800 people were insourced, thereby contributing to the bloated salary expense. He conceded that the University should rethink its HR structure in view of the prevalence of online interaction. He asserts that an analysis of salary increases over the last 10 years shows that they were always above inflation.
- g. I have received several submissions from academics about unsustainable large numbers of students per academic staff member and an understaffed academic complement. Also, students complain about lack of support and proper teaching and learning. According to the October 2022 Management Accounts, the headcount ratio is **31:69 (academic: support)**. **In terms of remuneration, the ratio is 42:58**. For temporary staff, the ratio is 83:17 (academic: support), while the remuneration ratio is 66:34. These figures appear skewed in the favour of support staff and should receive Council’s attention.
- h. It would appear as if the academic enterprise is being stifled in favour of the support side of the University. If Council is to be taken seriously in addressing this issue, immediate action should be taken to speed up the cancellation of positions of some R190m in the support side and not allow bureaucracy to stymie progress towards addressing the imbalance in staff composition and the sustainability of the organisation. **Although such a measure is unlikely to adequately address the potential long term financial risks facing the University, it could be regarded as a first step in an overdue restructuring process that, in my view, should take the highest priority of the institution’s highest decision-making body.**

#### 4.4.9.4 Student Debt

- a. Impairment of student debts of just shy of 50% and impairment as a percentage of tuition fees of more than 20% may be regarded as being too high. This implies that more than one-fifth of tuition fees is “lost” through impairment. Moreover, these figures show an upward trend, indicating a danger signal that should be addressed. In its monthly management accounts for the year ended 31 December 2021, the Finance Department attributes the levels of debt to increased unemployment, a weak economy and Covid-19. An age analysis of student debt indicates that a substantial proportion of debt outstanding at 31 December 2021 relates to debt that had been incurred in prior years, dating back to even before 2016. During October 2022 a decline in prior year debt is reported as having been collected by debt collection agencies.

- b. In the UNISA MTEF Budget 2023 – 2025 it is flagged as a risk that 47% of UNISA students (headcount) are NSFAS funded, amounting to 58% of tuition fee revenue. This increases the exposure of the University to the national fiscus finances. In the CFO portfolio risk register in October 2022, increase in student debt is ranked third highest in this portfolio. Mitigating measures are listed as the handover of the debt book and an update of the policy on student debt. It is unclear what success should be expected from an update of a policy, given the non-compliance with policies, described elsewhere in this document.

#### 4.4.9.5 *Third Stream Income*

- a. Increasing third stream income is included in the UNISA Strategic Plan 2021 – 2025 as one of its strategic objectives. It is, however, not materialising. Elsewhere in this report, it is indicated that UE was to be a prime vehicle to achieve this goal, but, sadly, it has dismally failed the University in this regard. From the financial analysis it is clear that, whilst third stream income comprised (albeit a meagre) 5% of total income in 2017, this figure has reduced to 3% in 2021. Stagnation of 3rd stream revenue is also ranked second, and is to be mitigated by a third stream revenue strategy and “.....approved entity strategies that promote revenue growth” as well as a turnaround strategy for short learning programmes. **From inquiries I made, it appears that the income derived from short learning programmes is on the decline. Cash flows from these programmes have declined from R166,5m in 2018 to some R103m in 2021 and to R98,9m in October 2022.**
- b. UNISA’s infrastructure and experience in distance learning afford it a unique position amongst South African higher education institutions to pursue distance based short learning programmes. Some other South African universities are making inroads in this lucrative area as a means of generating third stream income, but it appears as if UNISA is not capitalizing on its unique position. The Turn-Around Strategy in this regard was considered by Council at its meeting of 14 December 2022. This is discussed elsewhere in this report.
- c. In the CFO’s portfolio risk register, increasing reliance on government funding is ranked as the third highest risk in this portfolio. Mitigating measures include engaging DHET through FEF on the funding framework and the revitalization of the internationalisation strategy. It is unclear this mitigating measure will take effect to benefit UNISA, and if the funding framework will change any time soon given the pressing financial demands on the fiscus and the declining state of the South African economy.

#### 4.4.9.6 Infrastructure and Efficiency Grant

- a. In a letter dated 31 October 2022 by the Minister to the VC regarding the funding allocation in the sixth round of IEGs for 2022/2023 to 2023/2024 to South African public higher education institutions, the Minister notes that UNISA's performance regarding infrastructure delivery is poor.
- b. During July and October 2018, a total amount of R115,868m has been transferred to UNISA for this purpose, but by 31 March 2019 nothing has been spent. By February 2020 the full allocation of R264,073 had been transferred, yet by March 2020 only R8,579m was spent and by June 2022 an amount of R14,674m, or 13% of the funds transferred in 2018 and only 5,6% of total transfers was utilized. Therefore, the Minister concludes, "...UNISA poses a high risk of continuing to fail to spend its allocations (both new and existing) during 2022/23".
- c. The Minister further notes that, although the renovation of the VC's residence is not funded by the IEG, it was noted that, according to a media article in January 2022 about alleged mismanagement of this project, UNISA released a statement that the VC has not been provided with a report in this regard. Although such report had been requested from the Acting VP: Operations and Facilities, the Minister concludes that "...the VC or University Management (or even Council) are either not receiving infrastructure progress reports or they are only receiving reports on selected projects while the rest of the projects are implemented without proper oversight by University Management and Council." In view of the above, chances are that the University may fail to manage some of DHET-funded projects in line with best practice, consequently an amount of "only" R154,2m was approved. The allocation is subject to, *inter alia*, that, in order to monitor projects more closely, implementation level monthly progress meetings be consolidated in a single meeting covering all infrastructure projects.

#### 4.4.9.7 The Block Grant

- a. The major portion of UNISA's subsidy income is derived from the Block Grant component of the State subsidy. For 2022, this grant is analysed as follows (Source: April 2022 Monthly Management Accounts):

	UNIVERSITY	Grant proportion of the UNISA total	UNIVERSITY SECTOR	Grant proportion of the University sector total	UNISA proportion of the University sector
Teaching input grant	2 685 735	51,4%	24 499 432	61,7%	11,0%
Institutional factor grant	273 860	5,2%	2 390 713	6,0%	11,5%

Teaching output: actual	1 852 280	35,4%	7 580 559	19,1%	24,4%
Research output: actual	415 510	7,9%	5 226 955	13,2%	7,9%
<b>TOTAL (R'000)</b>	5 227 385	100,0%	39 697 659	100,0%	13,2%

- b. It is important to note that while 61,7% of the Block Grant for the sector as a whole is attributed to Teaching Input factors, in the case of UNISA, this figure has dropped to 51,4%, (from 60% previously, according to the monthly management accounts), indicating that UNISA is lagging behind the sector as far as this component is concerned.
- c. An analysis of the Teaching Output component, however, shows the opposite trend, which seems to indicate a relatively higher rate of completion of qualifications by UNISA students. What is of concern, however, is UNISA's share in the Research Output component. In the case of the sector, 13,2% of its Block Grant allocation is contributed by research output, while only 7,9% of UNISA's Block Grant is produced by research outputs.
- d. The University struggles to adhere to enrolment targets agreed upon with the DHET, with concomitant negative implications for the Block Grant. In a letter dated 28 December 2020 by the Minister of Higher Education and Training to the Chair of UNISA's Council, the Minister points out that preliminary submissions of enrolment data indicates that 20137 students were enrolled (35% over the approved target), despite previous warnings that it must adhere to enrolment targets or face a penalty for the 2020/2021 financial year. Consequently, the Minister intends to reduce the University's 2021 targets by 20 000 FTEN to accommodate the over-enrolment in 2020 from 57 857 FTEN to 37 857 FTEN. **Although this matter has been the subject of litigation in the High Court of South Africa, for the purposes of this report, such litigation is regarded as irrelevant, as this report only purports to point to the incompetence with respect to enrolment management by the University.**
- e. In the February 2022 Management Accounts, it is pointed out that R116.078m has been forfeited because of a 15,7% over-enrolment in Teaching Input Units for 2020, while R5m has been deducted for the late submission of incorrect 2020 HEMIS data. I was informed that UNISA seems to have been unable to manage enrolments properly over the last five years as it frequently missed enrolment targets, with the result that subsidy penalties of R182m have been incurred for the period.
- f. Enrolment targets were missed by 12,6% in 2018 (over-enrolment), by 2,2% in 2019 (under-enrolment), by 4,8% in 2020 (over-enrolment) and by 6,8% in 2021 (over-enrolment). In an interview with a senior member of staff on 14 November 2022, the frustration at this situation was clear. " *We keep on asking who must be held accountable for that – surely there must be*

*consequence management for losing that amount of subsidy funding .... If nobody is held to account..., why would anybody else care?"*

- g. According to the September 2022 Management Accounts it appeared that targets have been reached following the pushing out of registration dates, albeit at the expense of students, whose study time have been reduced by this action. To demonstrate the ineptitude in this regard, even a previous ED in a letter dated 21 August 2021 to the Minister, alleges that EXCO reduced the enrolment by 5 000 without the required Ministerial approval.

#### 4.4.9.8 Sustainability

- a. The University's core income streams comprise tuition fees and State subsidies, since third stream income is almost negligible, as discussed elsewhere in this report. The ratio analysis shows an erratic trend in tuition fee growth and indeed a decline from 2020 to 2021. The growth in State subsidies has been on a downward trend for the past three years. During 2021, these two income streams account for 93% of the University's total income. As indicated earlier, this is probably to a large extent indicative of poor enrolment management.
- b. Apart from introducing a proper enrolment management system, mitigating measures may include the growing of third-stream income and the growth of short learning programmes, but, as is explained elsewhere in this report, these two potential income streams are also on the decline.
- c. NSFAS funding is crucial to the maintenance of tuition fee income, core to the University's sustainability. Should government funding through this mechanism decline because of fiscal pressures, a serious challenge will be posed to UNISA's sustainability. Also, tuition fee increases were on average below inflation, and growth in subsidies and grants also decreased. The university has failed in its endeavours for third-stream income.
- d. On the expenses side, the bloated salary bill and impairments of student debt poses a substantial threat to the University's sustainability. In the MTEF it is pointed out that HR cost are increasing, although operations are declining.
- e. As far as expected cash flow is concerned, according to the MTEF 2023 – 2025, a cash and cash equivalent balance of approximately R200m is foreseen throughout this period by transferring funds from investments. Fixed asset additions of around R1bn per year is foreseen throughout the period, financed mainly from the investment portfolio.
- f. The Chair of Council boasted about the increase in reserves by R 3 billion in one year; and the investments by R2 billion. It is indeed commendable that reserves and investments are substantially increased. However, this does not translate into a health institutional atmosphere where academic positions are not filled to demonstrate that the university strategy is supported,

or an atmosphere where students complain incessantly about service delivery; or a culture of non-compliance appears like 'business as usual'.

- g. Overall, I believe that UNISA is currently, from a financial perspective, sustainable for the foreseeable future. But, this conclusion could change fairly quickly if the issues highlighted in this report are not urgently addressed.**
- h. Below I provide a brief summary of pertinent conclusions of the Financial Report that require Council's attention, is provided.
- i. Personnel cost as a percentage of total expenses is unacceptably high, and increasing.
  - ii. The growth in subsidy income is declining.
  - iii. The growth in tuition fees is erratic and declining.
  - iv. Third stream income is so low, it is almost negligible.
  - v. Impairment of student fees is too high.
  - vi. There seems to be an inability to manage infrastructure spending.
  - vii. If not addressed, the sustainability of the University is compromised by the above matters, and those that are highlighted elsewhere in this report.

#### **4.4.10 Allegations against the Vice-Chancellor (VC)**

- a. In this section, allegations that have been made in both oral and written submissions against the VC, are discussed.
- b. Several submissions have been received regarding slow and unresponsive reaction of the VC to critical matters that had been addressed to her. In one instance, for example, where FIECoC had approved the transfer of a substantial amount of money from the money market into a long term low-risk portfolio, an inordinate amount of time had lapsed before the VC signed the contracts, losing a substantial amount of investment returns in the process. Also, on 16 March 2022 AERMCoC noted that "... the VC, Prof P LenkaBula, should be reminded that she must provide the committee with the long-overdue written report regarding the non-actioning of matters that were under investigation and the reports that had not yet been signed."
- c. The VC refused to afford Bowmans the opportunity to interview her on the laptops advance scheme, described elsewhere in this report, because she believed the investigation to be illegal and without legitimate standing. I believe that, even if that were the case, an opportunity to engage with the investigators to convey her views on the matter, had been lost and the University is probably poorer as a result. Also, the Chairperson of AERMCoC informed members of that Committee on 17 June 2022 that attempts to communicate with the VC in order to arrange a meeting had been futile because emails were either bouncing back or there was no response to

either text messages or emails. In an interview with her, she indicated that it was highly unprofessional for a person in the VC's position to block a member of Council whose interests are only for the university and not personal.

- d. During September 2021, AERMCoC decided that the VC must procure the services of an independent external party to investigate the veracity of issues, claims and allegations that a previous ED: Legal Services had made against Management and Council. The External Auditors remark that no evidence was submitted to the audit team as proof that the AERMCoC resolution was implemented. The External Auditors attached a risk rating of "High" to this matter. Management responded that this was a stand-alone resolution as all committees submitted their own recommendations regarding the matter. Council then considered the different resolutions and essentially resolved that all the matters needed to be investigated, but that terms of reference for the investigations needed to be developed. However, the External Auditors note that, at the time of writing, that the terms of reference of the investigation had not been finalised and no investigation had been initiated.
- e. As described elsewhere in this report, there have been allegations that the VC "was not taking AERMCoC seriously", in that meetings are sometimes not attended, without tendering an apology, and by not affording the committee the "amount of decorum that it deserves" and that she is unresponsive to requests by the Chairperson of AERMCoC to arrange private meetings between them. For more detail, refer to the section on Audit and Enterprise Risk Management Committee of Council in this report.
- f. There is a tendency on the part of the VC to blame subordinates for governance failures, rather than taking responsibility herself, as an ethical leader should be doing. A number of such instances are described in this report, for instance the Cloghereen project, the Laptop advance scheme and the interim salary increases. I find the public statement (in the case of Cloghereen) about the alleged non-performance of a colleague, particularly unworthy of the office that she occupies.
- g. I find that the VC does not live up to the high standards that is required of a person in such a responsible position that she occupies. She is economical with the truth and refuses to take responsibility when there are failures in governance and management. She chooses to blame subordinates when things go wrong. Moreover, she does so in public. This casts serious doubts on her qualities of leadership. She is particularly amenable to the trappings of office during a period when signalling a measure of frugality would have been welcomed by staff, students and the broader South African community.



#### 4.5 Human Resources

- a. In this section, I detail the state of human resource policies and practices of the University; particularly in relation to enhancing organisational efficiency and employment relations at the University; as well as staff suspensions, disciplinary cases, and dismissals at the University since 2018. This analysis is based on reading various submissions, interviewing many staff and office-bearers in the University, and reading policies and other documents that were provided to me.
- b. The VC prior to her interview with me made a submission and in it she highlighted a number of issues in the space of human capital and labour relations:
- i. Concerns about the fitness of the organisational structure to the Vision and Strategy given the distance education mandate, digital technologies, and new emerging demands.*
  - ii. Weakened systems of HR and labour relations – characterised by low morale, mistrust, conflict and even violence.*
  - iii. Poor performance culture and competency issues.*
  - iv. Non-compliance.*
  - v. High turnover at middle Management level.*
  - vi. Relations are not built on values, systems, and compliance but patronage.*
  - vii. Organised labour exercising an inordinate amount of power over the management of this important function in the university.*
  - viii. Concerns about the salary bill exceeding the 65% mark.*
  - ix. Allegations of irregular appointments.*
- c. The submission stated the following key reforms and interventions that are being executed:
- i. A new Human Capital Strategy is necessary. The CHE Institutional Audit recommends it too.*
  - ii. Reorientation of Human Capital as an epistemic community.*
  - iii. Instituting and driving new institutional cultures geared towards service, performance, and results – a high performance culture.*
  - iv. Ensuring consequences management across the university.*
  - v. Although there is anxiety and even resistance, a discussion to review the organisational structure has been initiated to ensure full and proper alignment with mandate, strategy, operational demands, changes nature of technologies, competition, and new emerging demands.*
  - vi. We have initiated a process to review Resetting the HR and LR regimes, systems, and cultures – Review of Recognition Agreement underway.*
  - vii. In order to understand our skills base and the performance or even compliance matters, a Skills Audit is necessary. This process will begin in 2023.*

- viii. *We have begun the review of salary disparities between academics and support staff in line with principles of fairness, equity and,*
- ix. *We have optimised the tools of trade for staff, including the procurement of laptops, an item that has been outstanding for four years.*

#### **4.5.1 The UNISA Organisational Structure**

- a. At the onset of my assessment, I requested the Management to furnish me with the organisational structure of the University. I was provided with a structure said to be approved by Council in 2018.
- b. At the top of the hierarchy is the VC, followed by the VPs which head various portfolios; and under them are Executive Directors heading Departments, and then there are Directors who head Directorates.
- c. In the office of the VC is the ED with 3 Directors (Executive Support, Special Assignments and Institutional Contracts); as well as the Department of Leadership and Transformation. There is also the Department: Internal Audit headed up by a CAE, who reports functionally to AERMCoC, and administratively to the VC.
- d. Under the VP: Operations and Facilities are three Departments (Print Production, Supply & Distribution, University Estates, and Protection Services)
- e. Under the CFO or VP: Finance and UNISA Business Enterprise are two Departments (Finance and SCM). The portfolio also oversees the UNISA Enterprise.
- f. VP: ICT has two (2) Departments, namely ICT Governance and Project Management; and ICT Systems and Operations.
- g. VP: Strategy, Risk and Advisory Services oversees four (4) Departments, namely Risk and Compliance, Legal Services, Institutional Intelligence, and Quality Assurance and Enhancement.
- h. The VP: Institutional Development has two (2) Departments (HR with five directorates, and Institutional Advancement with 3 directorates - Communication, Marketing and Events, Internationalisation and Partnerships, and UNISA Foundation and Alumni Affairs).
- i. The VP: Research, Postgraduate Studies, Innovation and Commercialisation oversees Department: Research, Innovation and Commercialisation, and the Department: Library and Information Services; and the College of Postgraduate Studies.
- j. The VP: Teaching, Learning, Community Engagement and Student Support has the Department: Academic Planning and the Department: Tuition Support and Facilitation of Learning.

- k. Reporting on the teaching and learning; and research, postgraduate studies, related matters are dealt with as per agreement between the respective VPs in order to deal with workload.
- l. The Office of the Registrar consists of two departments namely Deputy Registrar: Student Admissions and Systems Integration and Deputy Registrar: Governance. The portfolio further consists of 12 Directorates that include the 6 Regions; Dean of Students; Institutional Governance Committee Services and Ethics Management; Institutional information; Music; Student Admissions and Registration; Student Assessment Administration. In addition, the following three Divisions are included namely: Graduations; Records Management; and Student Communication and Services Centre.
- m. As alluded to elsewhere in the report, the structure of the Registrar's office is unworkable and bloated. Almost all services are centralised in the office. This defeats the functioning and efficacy of the office. Regions and students submitted that a decentralised structure should be implemented in order to make decisions faster and more efficient, especially in respect of resolving student matters.
- n. I also identified another anomaly with respect to the Legal Services Office. In some universities, the Legal Services Office reports to the Registrar's portfolio. UNISA has a different setting in that the LSO reports to the VP: Strategy, Risk and Advisory. It is further confusing that the latter is responsible for risk, among others. Much of the functions of the Chief Audit Executive are about risk as well. I still do not see the synergy in this. Council has approved the establishment of a separate Risk Committee as alluded to earlier. Nevertheless, given the size of the portfolio of the Registrar and the attendant service delivery issues in that portfolio, I think UNISA should apply its mind going forward. It would be a further risk, and probably to counter-productive to throw the LSO in the mix unless a comprehensive restructuring is considered.

#### **4.5.2 The New Structure**

- a. During my interviews with academic, professional and support staff; and in various submissions the issue of resource constraints in terms of staff capacity was emphasised again and again, and its impact on the employee wellness as well as level and quality of support services provided to students and staff. Staff reported that they are not able to make appointments or fill critical vacancies because the 'new structure' has not yet been approved. Staff would argue that either their departments' new structure is yet to be approved, or that only the top levels have been approved. During an interview, a staff member explained the frustration and confusion as follows: *"Everyone talks about the approval of structure, and nothing moves. Things appear to be blocked by structures. It is true - we started to do the structure in 2018, and when COVID*

arrived we had to review it. It is **why we have so many people in acting positions**, across all the management levels. The job profiles in (the department) are still in the old structure – I have 8 supervisor positions empty that need to be filled, and it was approved, I could not believe it. Now we are in a situation where those positions can be advertised, but we have to use the job descriptions for the old positions in the previous structure”.

- b. The VC’s Report in the 2021 UNISA Annual Report contains a section on the implementation of the new structure which states the following:

*“In looking at how UNISA’s inability to **implement the new structure** at all levels of the University affected service delivery and how this is being addressed, I will begin by saying that structure follows strategy and that, in this respect, UNISA has developed a digital strategy called the ODeL Blueprint”.*

*The UNISA Strategy requires that staff have the requisite 4IR skills and competencies. Various UNISA Portfolios, Departments and Colleges, including ICT, Finance, and HR have undergone competency assessments and interventions are being implemented to address the gaps in 4IR capabilities. UNISA’s inability to implement the new structure at all levels of the University has affected service delivery, which in turn has led to the University being unable to meet its set targets and objectives.*

*The issue has also created tension between Management and stakeholders. However, the HR Department is in the process of implementing the approved structures, and the placement process has been concluded for the College of Science, Engineering and Technology (CSET) and the College of Graduate Studies (CGS). The placement process has been put on hold for the entire University for the following reasons:*

- i. **Funding of the interim salary adjustments** of 2021 by abolishing vacancies in administrative and professional Departments have yet to be implemented and processed. (This is the result of UNISA making salary adjustments that was neither approved nor budgeted for)*
- ii. Placement documents as agreed upon by the UNISA Bargaining Forum (UBF) are to be reviewed to address identified risks and inconsistencies.*
- iii. Unions’ representatives’ capacity as members of the Placement Committee and Quality Assurance Committee are to be reviewed.*
- iv. The new positions in all the approved structures are to be evaluated to determine their levels.*
- v. Certain positions may become redundant in the University in the aftermath of COVID-19.”*

- c. From my perspective, some of the reasons given in the VC's report for the non-implementation of the structure relate to elements of the design and development of the new structure, such as stakeholder engagement, buy-in from staff, consultation and change management. In other words, its processes that should have been undertaken before approving the new structure. This is a management failure, in not ensuring that the correct processes are followed and that change management practices are successfully conducted or implemented. I explain briefly some of the points above, next.
- d. In point 1, reference is made to 'interim salary adjustments' made in 2021 and that the new structure could not be fully implemented because certain positions needed to be abolished first. The fact is that UNISA implemented salary adjustments to only certain levels of academic, academic support and professional staff, that were not approved by Council nor budgeted for. As a result of this failure in following due processes, Management was told to fund the increases through abolishing vacancies in professional and support departments. This means in effect that some of the departments where increases were implemented, have to now give up or abolish vacancies to finance the increases. Refer to the Finance section for more on the financial implications of the decision (section 4.4.5.1).
- e. Point 2, states that placement documents as agreed upon by the UNISA Bargaining Forum (UBF) are to be reviewed to address identified risks and inconsistencies – this is part of design and development that should happen prior to implementation. Also point 3, about Union representative's capacity and roles on the placement committees, should have been sorted out already. This should not be a valid argument as to why the new structure cannot be implemented.
- f. Point 4, in particular, about the evaluation of new positions in all structures is clearly part of the design and development phases and should have been finalised before the new structure could be approved. This information is critical to consider whether to approve the structure or not in the first place. If this is holding back implementation, it in effect means that the new structure is not approved.
- g. The Realignment Report (2022)<sup>26</sup> made a number of recommendations as a way forward:
- Three (3) of the 40 structures in the support departments could not be finalised timeously, namely, Regional Structures and Records Management. It is recommended that the respective Portfolio Manager prioritise these structures by 15 January 2023.
- i. A workshop is being arranged between the VC and Portfolio Heads to discuss the structures and the contents of this report.

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<sup>26</sup> Realignment of Structures: Support Departments, December 2022, Prepared by HR for Submission to ManCom

- ii. Once this report is noted by the Management Committee, and the mandate to consult is approved, this will be followed by consultations with the respective Departmental staff, UBF consultations and the evaluation of the identified jobs.
  - iii. There are certain instances where the Department: Human Resources would need to conduct a work study where structures have enlarged significantly and/ or structures could not be justified in line with the university operations, productivity and output.
  - iv. ManCom is hereby requested to consider whether the Voluntary Severance Package (VSP) may be explored as part of the implementation of the structures, which will create flexibility within the university, which is in line with the Human Resources 2022 Balanced Scorecard. The result is envisaged to provide financial stability and sustainability to the institution.
  - v. The upskilling and reskilling strategy is to be implemented for employees who occupy roles that are deemed redundant once the process unfolds.
  - vi. It is recommended that this report be used as a baseline to further review structures in line with the 4IR and the university's focus on the academic project.
- h. The submission to ManCom that accompanied the Realignment Report states that the purpose of the submission is to provide a global view of the reviewed structures across all support departments (excluding UNISA Business Enterprise, Bureau for Market Research and College Structures), and to request the consideration to conduct a workshop with Portfolio Heads to engage further on each Portfolio's structures, working towards financial viability and operational excellence. It further states that the Report provides a status update of restructuring at the University, inclusive of the sequential processes that were embarked on, those finalised and those pending, as well as timelines to bring outstanding processes to conclusion.
- i. According to the Report, twelve (12) departmental structures served at the UBF in the past 3 years; however consultations have been concluded for 8 departments. Three of the 8 departments have not made any further amendments to their structures, namely, Research, Deputy Registrar: Governance and the TM School. It is further stated that post-Covid, some departments have reimagined their structures due to the possibilities created by the introduction of technology and the rapid move to supporting students online. These departments' structures will serve again as a consolidated pack to the UBF with all remaining Support Departments.
- j. The following is a high-level account of the work completed towards finalising structures in the support departments, and includes the full life-cycle to the point of finalisation of the structure and does not include the placement process (and the recommendation made is for this report to be used as a baseline to further assess the proposed structures to ensure future sustainability for the university):

Table 1: Restructuring progress status

Process	% Departments complete
<b>1: Strategy-structure alignment/ Benchmark/ desktop analysis</b>	<b>100%</b>
<b>2: Engage Departmental ED/ Management team</b>	<b>100%</b>
<b>3: Structure compiled</b>	<b>98%</b>
<b>4: Cost estimations</b>	<b>95%</b>
<b>5: Mancom submission (with financial implications - 1st iteration - global view)</b>	<b>83%</b>
<b>6: Job Descriptions compiled</b>	<b>28%</b>
<b>7: Consultation with Departmental staff (driven by the Departmental Head)</b>	<b>43%</b>
<b>8a: Job Evaluation (concurrent with UBF consultation)</b>	<b>5%</b>
<b>8b: UBF consultation (concurrent with Job Evaluation)</b>	<b>8%</b>
<b>9: Mancom submission (2nd iteration)</b>	<b>3%</b>
<b>10: Approvals: VC sign-off; DOA</b>	<b>3%</b>

- k. Based on the information I reviewed, and information from staff during interviews as well as other submissions, I find that UNISA's organisational structure is neither clear, nor yet finalised; and this has a significant impact on organisational effectiveness. Contrary to the VC's statements, UNISA is clearly still in the design and development phases of creating and aligning the new structure to their ODeL Blueprint. The problem is that the process appears to have been delayed and severely impacted by the interim salary adjustments (unplanned and unbudgeted) which have resulted in the abolishment of a number of vacant positions in professional and support departments. The number of vacancies in the colleges (approximately 600) is a serious concern as well.
- l. I recommend firstly, that UNISA needs to clarify exactly what is the status of the 'new structure' and this should be accompanied with comprehensive project plans, schedules, change management initiative and regular reporting of progress. Secondly, UNISA needs to set priorities in terms of where capacity is most needed in the institution and rather ensure the necessary resources are in the right places that can provide immediate relief in terms of workload and deliverables.

#### 4.5.3 Staffing and Recruitment Practices

- a. Staff referred to serious problems and issues related to recruitment and appointments at UNISA. The impression was created that even simple standard straight-forward HR processes were complicated by other forces with hidden agendas. The MTT also reported that, "Standard HR processes, such as the issue of letters of appointment for new staff, appear to be unacceptably

long and tedious. Some new staff must wait for approximately 4 months to receive a contract of employment”.

- b. If one wants to infiltrate and infect an institution, the easiest way would be to influence staffing and recruitment functions at an institution. Staff at UNISA referred to this ‘*invisible power*’ and influence that just pulls things in a certain direction. This coupled with the prevalent culture of fear and intimidation, most people just try to survive and not ask too many questions. They are scared and despondent. During an interview, it was explained that:

*“The issue is that you are dealing with an **organisation that operates like a mafia**. There are networks, people working in certain circles, and there are people who are naïve and do not work in those circles. If you look at the value chain of the university, and how you appoint people in positions from P4 and up, there are extraneous factors influencing those appointments, and the important thing is that those people must have the competency to do the job. My experience is that there are people in senior positions who cannot write a report or explain it in Council. They have no clue whatsoever. The unfortunate part of it is that staff are aware of this, **that these people are tokens**, there because of a particular purpose. You are dealing with an organisation that **is effectively captured**. There are interest groups with vested interests, I have had some bust ups with them along the way. I will focus on the main on appointments where I have had some serious clashes with people”.*

- c. This corroborates what was said by the MTT that the HR department is “*allegedly ‘captured’ with indications of close association with labour and political formations. HR officials are said to be empowered to take decisions regarding key senior appointments. They too were reported to be stalling recruitment, if necessary, particularly academic recruitment. Requests from departments are often ignored without explanation. The high number of vacancies of academic staff threatens the academic project*”.
- d. The following section provides an analysis of the relevant policy framework and practices relating to appointments at UNISA.

#### 4.5.3.1 Fixed Term Contract Appointments

- a. UNISA has the Procedures for the appointment of contract employees, fixed-term contractors, temporary employment service (TES) workers and independent contractors, last updated in 13 December 2017. The purpose of the Procedure is to ensure that the appointment and utilisation of contract employees, fixed-term contractors, temporary employment service (TES) workers and independent contractors and related matters are consistent with the strategic objectives of the University, its social responsibility, the dictates of good governance, sound management,



administrative practices and labour legislation. The Procedures applies to all contract appointments at UNISA, except for five-year performance based contract appointments with benefits, and any exceptions determined by the Management Committee.

b. In terms of the Procedures

“Only a vacant funded position on the approved organisational structure of administrative departments and support services (confirmed by Directorate: Organisation Development) may be filled by means of a fixed term contract appointment or where funds are made available for this purpose. The fixed term contractor must comply with the minimum requirements pertaining to educational qualifications, work experience, relevant competencies and skills for the intended position, which position Title, P-level and Job Description must be confirmed by HR: Organisation Development prior to the appointment as well as the operational need thereof.

Fixed term contract appointments at academic departments are made in terms of ACHRAM (acronym for the UNISA funding allocation model for academic departments known as the Academic Human Resources Allocation Model) cost units, own funds or a vacant position. The fixed term contractor must comply with the minimum requirements pertaining to educational qualifications, work experience, relevant competencies and skills for the intended position, which position Title, P-level and Job Description must be confirmed by HR: Organisation Development prior to the appointment as well as the operational need thereof.”

c. In terms of the period of appointment, the Procedures state that

“The accumulated periods for a fixed term contract appointment are for a maximum of twenty-four months, except for the Management approved justifiable reasons which are limited to six months (three [3] months renewable for a further three [3] months), or projects where the period of appointment can be made to coincide with the length of the project. A justifiable reason must be provided in respect of each request within the accumulated period.

Employees earning below the threshold may not be appointed on a fixed-term contract for a period in excess of 3 (three) months in the absence of a justifiable reason for such an appointment.

Seasonal fixed term contract appointments may be approved for a maximum period of three (3) months provided that each application, including accumulated periods, must be considered on its own merits and would have to be considered against whether a temporary seasonal operational need exists in respect of each contract period as motivated by such line manager.

No appointment of employees earning below the threshold will be effected unless the principle of equal treatment has been considered by HR: Organisation Development.”

- d. There is however a provision as per the Council resolution dated 15 April 2011, that "*the Management Committee may in exceptional cases approve fixed term contracts beyond twenty-four (24) months*<sup>15</sup>. All applications for submission to the Management Committee require a compelling motivation, endorsed by the relevant Vice-Principal, including one or more of the justifiable reasons for fixing the period of employment. Fixed-term contract appointments made in terms of project related appointments or a training programs or fixed-term seasonal appointments where the appointment period will exceed 24 months are exempted from the Management Committee's approval but must be approved by the applicable ED: HR and Vice-Principal. ". There is no indication on what constitutes exceptional circumstances.
- e. From my analysis of the testimonies made by many staff during the interviews, it appears that FTC appointments are being widely used as a stop gap measure to avoid recruitment process in terms of the recruitment policy. The reasons given were that the recruitment process is drawn out and delays the appointment of incumbents. The method is used for the sake of expediency and results in flouting of the recruitment process with the added risk exposure for the University both in terms of finances and labour litigation. The practice creates an expectation by the incumbent of a permanent appointment.
- f. According to the data provided to me by HR, the number of FTC appointments as at 30 November 2022 were as follows:

Portfolio	Number
Principal and VC	17
CFO	88
VP:ICT	13
VP: Institutional Development	39
VP: Operations and Facilities	83
VP: Research PSIC	58
VP Strategy Risk and Advisory Services	24
VP: Teaching and Learning	917
Registrar	105
<b>Total</b>	<b>1351</b>

- g. Fixed term contract employees are entitled to terms and conditions of employment in terms of an applicable Memorandum of Agreement which stipulates the particulars of the agreement, including but not limited to the remuneration, period of the agreement, the tasks and the justifiable reason(s) for fixing the period of employment. However, the procedures allow for several opportunities for a discretion to be exercised by a line manager without ensuring the

justifiability. The risk exposure for the University is substantial and may be the subject of discrimination lawsuits on account of equal pay for equal work.

- h. I received a submission from a former employee on a FTC who described her contracting appointment experience at UNISA and shared how traumatic and humiliating it was. She worked in the PVC's Office and was then moved to another Portfolio where she was given a fixed term contract against a vacant post that was renewed on a second occasion. She was then moved from position to position; until a time when the contract was terminated on the basis that the position was earmarked for someone else. This is but one example of the kind of abuses of FTC appointments.

#### 4.5.3.2 *Acting and Secondments*

- a. Acting and Secondment appointments are regulated by two policies in accordance with the relevant post levels namely Policy on the Recruitment, Selection, Appointment and Related Matters for Permanent Employees on Levels P5 To P18; and the Acting and Secondment Policy for Directors and Above.
- b. According to the Policy for Directors and Above:

Acting appointment means a temporary appointment, normally not exceeding a period of one year, in a higher or similar graded and funded position on the staff establishment, other than the funded position of the employee, which appointment is necessitated by a temporary absence or vacancy in which case the person acting assumes full accountability for his/her current position and the post in which he/she is acting if the period is less than three months. If the period is three months or longer the person acting assumes full accountability only for the position in which he/she is acting;

Secondment refers to the temporary re-assignment of an employee normally not exceeding a period of three years, into a position other than the one in which he/she had been permanently appointed;

- which position has been identified as a secondment position (includes Director of School, Chairperson of academic department, and the Head of an Institutes, Bureau or approved Centre and any other position as and when approved by the Management Committee);
- which re-assignment is driven by a specific pre-determined operational need, e.g. projects with a limited lifespan, where specific skills are required and a vacant permanent or a secondment position does not exist;
- which re-assignment has as purpose the temporary filling of a vacant position that requires the full-time commitment of the seconded person;

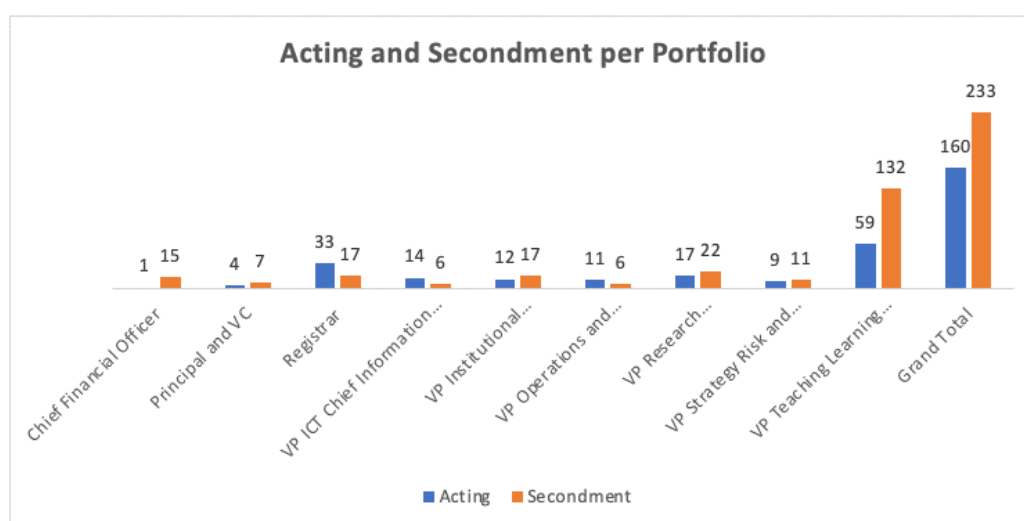
- within the University refers to secondment made within UNISA
  - outside the University refers to secondment of an employee to an external company/institution other than UNISA for a period not exceeding three years.
- c. An employee is appointed in an acting capacity to ensure that the responsibilities of an incumbent, who is absent for a period not exceeding one year and whose position is funded, are executed. Employees appointed in acting capacities on the same or on a higher job grade than his/her substantive position, will be remunerated by way of an acting allowance (equivalent to twenty per cent of the median package of the job grade in which the employee will be acting) that is paid in addition to his/her remuneration received in terms of his/her appointment in his/her substantive position. This acting allowance will be payable to the employee where the acting period is at least more than 30 calendar days.
- d. Secondment is considered when a specific predetermined operational need with a limited life span exists for which special skills are required and, in the event of a temporary vacancy, for which an acting appointment is not expedient or cannot be made due to the need for continuation and the full-time commitment of the person. The period of secondment, normally not exceeding a period of three years, will be determined by the approval authority that may extend the period to a maximum inclusive period of five years in the event of exceptional cases and on the basis of a detailed motivation. An allowance, equivalent to twenty per cent of the median (cost to company) of the job grade of the position to which the employee is seconded to, is payable.
- e. The Policy for the Permanent Employees on Levels P5 To P18 contains the following provisions acting appointments:
- i. An acting opportunity arises when a funded position is vacant or when the regular incumbent of a funded position is absent for a period for one or more of the following reasons, *inter alia*: leave, secondment, suspension, attendance of conferences and seminars (national or international), and termination of employment for whatever reason.
  - ii. The identification of a suitable candidate must be guided by the inherent requirements of the vacant position, competencies of candidates and/or developmental plans in line with succession plans, skills development and employment equity. Managers must also consider rotation in the acting position to provide relevant qualifying employees with an equal opportunity to act.
  - iii. Acting can either be in a higher graded position than the employee's own position; or in a position on the same job grade as the employee's own position.

- iv. Acting periods must not exceed a period of twelve months. The approvals authority determines the period of acting. Extension of acting appointments will be approved in accordance with the delegations of decision-making authority.
- f. Secondments, in accordance with the Policy for the Permanent Employees on Levels P5 To P18:
  - i. When a position requires the full-time commitment of an incumbent, a secondment is effected to temporarily fill such a position. After the secondment period expires, the seconded employee reverts back to his/her original substantive position.
  - ii. The identification of a suitable candidate must be guided by the inherent requirements of the vacant position, competencies of candidates and/or developmental plans in line with succession plans, skills development and employment equity.
  - iii. The recruitment and selection process must be followed with the purpose to fill an academic and support position which has been classified as a secondment position (including chairpersons of academic departments, heads of institutes and bureau and heads of departments).
  - iv. Secondments are considered:
    - when a specific predetermined operational need exists and the position has been classified as a secondment position (academic positions excluding directors of schools but including, chairpersons of academic departments, heads of centres, institutes and bureaux);
    - to complete projects which have a limited life span, or where specific skills are required, and a vacant permanent position does not exist; or
    - to fill a vacant position.
  - v. A secondment to a classified secondment position is considered for an initial term not exceeding three years, which may be extended for a second term. Secondments in positions other than classified secondment positions are considered for a period of more than three months and a maximum of one year. Such a secondment may be extended for a maximum period of another year, if necessitated by operational requirements linked to a position.
  - vi. A fixed secondment allowance is paid when an employee is seconded to a position which is on a higher job grade. No allowance is payable when an employee is seconded to a position on the same job grade at which the employee currently functions. If the employee is seconded to a new or ungraded position, the position will be graded, and the allowance will be paid in accordance with this Policy.

- vii. A fixed allowance, equivalent to twenty percent of the median [50th percentile of the salary range] (cost to company) of the job grade in which the employee will be seconded, is paid to employees who are seconded to positions classified as a secondment position.
- g. The use of acting appointments and secondments is so prevalent and seems to be institutionalised that it has rendered recruitment processes obsolete. According to the University's Acting and Secondment Appointments Report of December 2022, 160 acting appointments and 233 staff in seconded positions were reported at the end of November 2022. The levels of the employees range from administrative positions to director levels. The duration of the acting appointments varied from less than a year to more than five years. Furthermore, 52 employees were acting for more than a year. There were 2 employees who were in acting positions for more than five years. A total of 58 employees were in acting or secondment for 3-5 years and 16 employees for more than 5 years. It should be noted that all these cases were eligible for acting allowances creating a financial liability for the University that could be avoided by ensuring recruitment processes to appoint employees in permanent posts.

### ACTING AND SECONDMENT PER PORTFOLIO

*Current as at 30 November 2022*



- h. I found many instances that would confirm the observations of the MTT Report, that "HR policies are frequently ignored by the HR department itself. HR appears to be empowered to take policy and staff promotion decisions, including promotions of academics, but not obligated to comply with their own policies. Recruitment policies are not consistently applied by HR, with certain positions not being advertised as per the policy, with internal applications ignored in certain instances and appointments made, based on apparent vested interests. This happens even at very senior levels in the institution".

- i. This observation was supported by the suspended ED: HR who was on suspension during the time of the assessment, who said that the University is captured and that there are interests' groups who have managed to place incumbents without following procedures "*in key positions to facilitate the agenda of people who are controlling things behind the scenes*". He stated that appointments to positions are earmarked for a selected individual and "*they are then indebted to their handlers, and they don't act in the best interests of the University*". This explains how pervasive HR malpractices are at the institution. HR management is not blameless in these malpractices.
- j. During my interview with a senior staff member, it was explained that: "*Sometimes I don't think we follow the right channels. I think our HR is not strong enough in implementing HR policies – there are a lot of people acting in their positions, and once people act, they don't take action, they just do things to prove a point. If people are appointed permanently, they do better, because they are focused and committed. The main problem is the acting positions – no firm decisions are made, even at the top level of management. People are too scared to make decisions, and they might be suspended*".
- k. The Policy applicable to P4 and above is silent on the grade into which the secondment occurs, and I found many cases of persons seconded or appointed to act into positions up to 3 post levels higher than their substantive positions. I find this to be highly irregular and poor HR practice and questions about the capacity of such individuals in terms of experience and qualifications immediately arise. I heard many narrations of appointments in senior positions without procedural compliance or employees without the necessary qualifications.
- l. It is evident that the recruitment policy and practices of appointments of senior employees at the UNISA are not complied with and no or little measures are taken to protect the university against legal and financial liability. It reinforces poor management of human resources and impacts on the efficiency of the UNISA. I suggest that UNISA must conduct a general compliance audit of breaches regarding appointments to identify irregular appointments; and ensure compliance with the relevant policies and institute consequence management where irregular appointments are identified.
- m. On the issue of acting and secondments, I was made aware of the "Khuli Report" that looked into the appointment/secondment and/or acting appointment of certain identified officials into various positions. I narrate the matters relating to this report below.

#### 4.5.4 The Khuli Report

##### 4.5.4.1 Submission of the Report to the Assessor

- a. In January 2023, two members of the National Association of South African Workers (NASA), seemingly a new union at UNISA which was campaigning for most of the assessment period outside the Kgorong Building, came to where I was hosting interviews to request my audience. In their request, they also indicated that they had some documents that they wanted to bring to my attention. I agreed to meet with them. My support team sent them an invitation to which they were meant to respond by a particular date to enable the finalisation of the programme.
- b. It so happened that by the time I concluded the programme for that particular day, on their way out, my support staff spotted one of the NASA members to whom the invitation had been sent. They approached him requesting him to respond to the invitation. I pose to mention that there were many instances wherein my support team interacted to follow-up with various members and stakeholders of the University who would have been invited to appear before me using various methods of communication, given the time-bound nature of the work. There was nothing untoward by them approaching this person.
- c. It was during this interaction that the NASA member requested if I had seen the Khuli Report, which he then promised to send, but also expressed his intention to copy various other people and the members of the University Management. My support team advised that he should separate his correspondence to me from his communication with the University Management. The day before my interview with them on 18 January 2023, NASA proceeded to send the document to me and copying the University Management thereby choosing to ignore the advice from my support team.
- d. Of course, I asked NASA how they obtained the Report, why they copied other people in the correspondence, and how they viewed their actions which violated the POPI Act? Below is their response:

*"We have been raising issues since last year, and in all our communications we copied the independent assessor because we want our issues to be transparent to the university community and the public. The issues we have been raising emanated from the poorly consulted report – we stated that we are in the event that the university is not taking action on these issues, we will release the report. Management has not responded to our communication, in which we copied the independent assessor, and we said that we will issue the report."*

*"That is why we issued the warning to the university. Sometimes, in raising awareness and whistle blowing, it is better than staying quiet. I know there are people in the university who have this*



*report, we have engaged with them, and they asked where we got the report and said we will not disclose our sources, but we will sleep better knowing that we disclosed the information.”*

- e. On 23 January 2023, I was copied in a letter titled “Complaint on abuse, bullying and harassment by alleged non-UNISA employee and unofficial trade union” by Adv. BK Morota who is the Head of the UNISA Law Clinic and the President of the Black Forum. He also happened to be amongst the subjects of the investigations. In the letter he raised the following:
- i. *Is the “Khuli Report” a legally compiled report of the University, if so, when have the Vice-Chancellor, Prof. P. LenkaBula, as the Chief Auditor and Investigating Officer of the University, together with relevant governance structures of the University ratified the report, if never, what are you intending to do with **this unlawful and unethical report?***
  - ii. *The “Khuli Report” has personal information of various University employees and such personal information as illegally, unlawfully, and unethically collected, retained and now disseminated and used at the Independent Assessor against the persons illegally implicated therein including myself - How are you intending to protect us and our personal information as employees of the **University on such unethical and illegal usage of such report at the Independent Assessor** or any other fora the contraveners might choose to approach?*
  - iii. *Are we permitted to invite other Trade Unions operating outside UNISA to come into the University premises, visit University employees in their offices to shout at them, harass and bully them - And furthermore camp within the University premises, access protected personal information of employees, **participate in Independent assessments** or investigations of the University and use the acquired information for dissemination etc., if yes, we shall therefore recruit more trade unions into the University to occupy university spaces in the coming week, if no, why have you permitted NASA and mpho morolane? (sic)*
- f. The letter went further to make allegations and misleading statements against my support team around the “occurrence(s) of meeting(s) between [Mr] Mpho Morolane and my support staff. The letter was written to the Acting ED: Legal Services requesting him to “investigate occurrence(s) of meeting(s) through Prof. Mosia of mpho morolane and support team of the Independent Assessor”; and was circulated on UNISA WhatsApp groups.
- g. I had no desire to be involved in any vendettas allegedly happening within the University save for what was prescribed on the published Terms of Reference. I was also not ready to tolerate this kind of behaviour. No one within the University had any authority to investigate my assessment of the University or choose for me who to interview. I wrote a letter to the Chairperson regarding this matter on 25 January 2023.

- h. On 26 January 2023, I noted a response from the Acting ED: Legal Services, stating that LSO will engage with the VP: Teaching and Learning and the Chief Audit Executive to find ways to approach the complaint. He also instructed a staff member in his office to allocate the matter to four Advocates and to arrange a meeting with the VP: Teaching and Learning. I find this to be an abuse of university resources.

#### 4.5.4.2 *The contents of the Khuli Report*

- a. I must state that prior to this, there was no mention of this report during interviews with staff. The report is titled 'Investigation on Behalf of University of South Africa: Allegations Relating to Secondments and Acting Roles of Personnel Impacting Governance and Administration in the University' by Khuli Consulting.
- b. The investigation was commissioned by the former VC in March 2020 after receiving various complaints relating to certain conduct within the University. Following preliminary assessment of the complaints, which found merit on the concerns, a full investigation was commissioned to establish the veracity of the allegations was necessary. Based on the terms of reference contained in the request for quotation, UNISA requested Khuli Consulting to investigate *inter alia*, the appointment/secondment and/or acting appointment of the identified officials into various positions.
- c. In terms of the limitations of the report, it is stated that Khuli Consulting did not undertake an audit in terms of the International Standards of Auditing. The scope of its work was limited to a review of the documentation and information provided to during the investigation. It is stated that they did not authenticate the relevant records and documentation provided to them. They disclaimed that it might have been possible that documents and information exist which were not made available to them or that they were unable to locate. It was then stated that the report is neither designed nor intended to provide legal advice and/or a legal opinion and should not, and cannot, be so construed. Then it was emphasised that the report was prepared solely for the purposes of reporting their findings to UNISA and that no part of the report may be quoted, referred to or disclosed in whole or in part, to any other party, without their prior written consent.
- d. The Khuli Report was released late in 2020 on the eve of the former VC's departure. It is a very explosive report that contains details on secondments and acting appointments of identified staff members, with supporting documentation. It points out not only irregularities in these appointments, but also where supporting documentation were not available. The Report concludes with the following recommendations:

- i. UNISA should consider sourcing services of a Law Firm with experience in Labour Law and advise the university on possible actions to be taken against all the people who implicated in this investigation.
- ii. In view of irregular appointments of employees to secondment and/or acting roles, the university should consider reversing the allowances that are currently paid to the implicated employees.
- iii. In light of the practice that the university followed, which was against the policies on secondment and acting roles, UNISA should consider reviewing all the appointment of employees to secondment and acting roles. It is possible that all other appointments did not follow the rules prescribed by the policies.
- iv. The University should consider reviewing the policies on secondments and acting roles in order to make it possible for HR Advisors to enforce the policies and hold them accountable when such policies are violated. The current policies are not designed to allow and empower HR Advisors to enforce the policies fully.
- e. I will not divulge more details on the findings of the report, but I want to state that even with factual evidence presented in the report related to irregular appointments, I can confirm that some of the staff are currently still in these positions acting or seconded since the report was issued in late 2020. This is clearly a management failure and probably why this report was swept under the carpet and not mentioned or disclosed to me during interviews. I don't condone the actions of NASA as they violated the terms of the report itself, as well as posed serious POPIA risks.
- f. I interviewed the author of the Khuli Report, knowing that these malpractices continue, years after the release of the report, the person stated that *"It is like the entire university should do consequence management - if there must be a disciplinary hearing, the entire management team must be held accountable"*. Unfortunately, UNISA does not have a track record of holding people accountable and this lapse in managements' responsibility is indeed creating a breeding ground for corrupt actions and malpractices in HR to continue.
- g. I requested the CAE to confirm for how long the University had the Report and he shared with me an email to the former VC of 28 October 2020,

*"Kindly find the attached investigations report (executive Summary) including the corresponding detail in the other reports. I have been requested by the MTT to provide this report to them. I am not comfortable in delivering this to the MTT without your permission. Also, this investigation was initiated and communicated to the university community by the office of the VC. Therefore sending it to the MTT without your specific permission/comfort will not be correct."*

*The contents of these reports do not implicate the office of the VC. However, they do raise serious issues that various VP's may need to act on. The legal services department is busy conducting a legal review on these reports for the purposes of providing practicality in the corrective measures that are recommended. Please advise if we can send to the MTT as soon as you have gained comfort."*

- h. I further wanted to find out if the Report has been brought to the attention of the current VC; and the evidence provided to me was an email from the CAE to the VC of 03 February 2021. On whether the VC was aware of the Report, she indicated during an interview that :

*" Yes, it was commissioned by Prof. Makhanya, and components of it was shared with me and I have implemented some of the recommendations. The fact that it was recently issued as a substantive report, or rather leaked in the media, means that I have had to reread it. There are various issues covered in it, including the fleet issues and the appointments, and some issues have to be excavated and they have to be read in conjunction with other reports such as the Public Protector's enquiries or the HRC report. In a normal functioning institution they would have formed part of the handover report."*

- i. When asked further of the implications given that the implicated persons are still in these positions, she said *" The report was commissioned by Prof. Makhanya from Adv. Mannya and the CAE in 2017. He did not act on the report at all, but it has not yet been fully shared with me. I am therefore still investigating it, but as I stated I have looked at the issues that were raised by the Audit Committee. I knew there was a report but I cannot act on rumours, so I only acted on the aspects that I found in the Internal Audit reports, working with the Audit Committee and the Internal Auditor. I have received so many anomalies that I have been hard at work to address as part of the strategic imperative of the university to give the academic project primacy. I sometimes feel that I am hard done by, because I am asked to account for things that fall outside my time of responsibility such as enrolments in 2014 and staff not being paid since 2017."*

- j. I requested the Chair of AERMCoC whether she was aware of the Report and she was not. The CAE stated in his submission to me of 2 March 2023 that it was shared with the AERMCoC in November 2020, and this was before the term of the current AERMCoC Chairperson. He however, stated that there was an agreement with the Chair of AERMCoC earlier in the year that *" the CAE needs to look much backwards on all investigations reports before her term (before 2021) in order to give assurance on appropriate tracking of issues and to close the gap on issues that were not properly addressed in the past. These need to be re-submitted to AERMCoC by the CAE from the next meeting onwards for AERMCoC to be able to track the actions. We have therefore added this report to AERMCoC for the meeting of this quarter."*

- k. I also noted the minutes of 16 March 2022, wherein the CAE presented audit reports which had not elicited any action by or feedback from management and completed (but unreleased) reports which were being subjected to quality assurance, that a long discussion on poor consequence management ensued. The Minutes state: *“The Chairperson observed that it was quite disturbing and concerning that no action had been taken with regard to a lot of the reports. She was dismayed that the **chronic disease of lack of consequence management was continuing to spread unabated within UNISA**. She felt that the committee’s mandate was being negatively impacted by such inaction. She recalled that there was an undertaking by the Principal and Vice-Chancellor, Prof P LenkaBula (VC), in terms of taking action, or closing out or signing off the reports”.*

#### **4.5.5 Organisational Culture of Fear, Intimidation and Bullying**

- a. The UNISA 2030 Strategy, presents the Values of UNISA. These values underpin all behaviours and directly and indirectly influence and affect organisational culture. If these values were indeed at the core of behaviour, the current organisational culture would be very different. The values are listed and described below.
- i. **Ethical and collective responsibility** - Ethics reflect the intrinsic and extrinsic values, principles, norms and standards to which UNISA is committed and are undergirded by respect, integrity, accountability and excellence. Our ethics guide all institutional conduct, actions, decisions and stakeholder relations, supporting equity and fairness. Against this backdrop, our decision-making will be participatory in the interests of the effective and efficient functioning of the university – all employees are equally responsible for decisions taken and implementation is underpinned by commitment and loyalty to and solidarity with UNISA.
  - ii. **Integrity** - Integrity refers to conduct guided by honesty, equity, respect, transparency and responsibility in all that we do. Integrity must be evident at an individual level and it should be infused in the character of the institution through the behaviours of the individuals who constitute and engage with the university.
  - iii. **Innovation and excellence** - At UNISA, innovation and excellence characterise the actions, attitudes and culture required to create new ideas, processes, systems, structures, or artefacts which, when implemented, lead to a sustainable and high-performing institution. They are the underlying principles that we, as change agents, use to make a difference in the way we work with the limited resources available to achieve our specific goals despite contextual and policy constraints. Innovation requires everyone to adopt a problem-solving approach that fosters intellectual ingenuity and novel solutions rather than simply problem identification.

- iv. **Responsive student-centredness** - Responsive student-centredness reflects our commitment to recognising, cultivating and promoting the interests and views of students – especially their lived experiences and prior learning – in order to achieve academic access and success in an Open Distance e-Learning context.
- v. **Dignity in diversity** - At UNISA, we will strive to promote humanness, anti-racism and self-worth in the context of cultural and intellectual differences for the attainment of equality, and will not tolerate unfair discrimination based on race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth, HIV status or any other arbitrary grounds. This value speaks to UNISA's soul and identity.
- vi. **Accountability** - In order to promote a high-performance culture and work ethic, we accept individual accountability for our decisions, our actions and mistakes as individuals – irrespective of whether we are leaders, employees, or students. We are clear about our expectations from each another and we ensure that our expectations are credible and reasonable. We hold one another accountable for what we have agreed upon within a UNISA consequence management regime.
- b. The MTT Report painted a picture of an environment that is contrary to the values that the University claims to subscribe to.
- A simultaneous failure of multiple management systems points to deficiencies at leadership level, as well as a gross neglect of consequence management. In short, gross incompetence is pervasive in certain departments. **A culture of non-compliance pervades the institution, and this is accompanied by lack of consequence management.** The Labour unions are alleged to be leveraging disproportionate influence, including in the appointment of academic staff. Council has failed to engender an enabling and ethical culture befitting a knowledge institution. **Instead, there is an all-pervasive culture of corruption, impunity, conflict, fear, and intimidation.** There also seems to have been a deliberate and systematic plan, over a sustained period, to establish a corrupt network which has resulted in institutional capture. In addition, there is a **culture of impunity deeply embedded in the institution.***
- c. UNISA responded to the MTT Report, in a formal Report to the Minister on 22 April 2022. On the matter of culture and ethics it is stated:

*“Council views the allegations of the creation and existence of a corrupt network in a very serious light. Such allegations are woefully made without an indication of the timespan or persons involved in the creation of such a network. **The persons who make the allegations are also not identified to enable enquiry by Council or management so that it can offer a full response to the allegations, whether an admission or denial.** This aligns to similar allegations made in internal*

*ethics culture assessments conducted by the Ethics Division, where respondents merely give verbal statements without providing proof.*

***Unless particulars are provided, any representation to the Minister cannot be meaningful and Council cannot be said to have been provided with a fair opportunity to respond to the allegations. It is therefore critical that Council is provided with the particulars relating to these allegations to enable it to respond meaningfully.***

- d. I find this response problematic, as it is defensive and dismissive of matters that should be regarded as very serious; particularly in an institution where the former VC decided to seek the assistance of the SAHRC in December 2017, to conduct an investigation into allegations and counter-allegations of racism, harassment, **bullying and victimisation at UNISA**. In fact, it does not look like there has been any follow-up to the outcomes and recommendations of the investigation. In my interviews, many of the staff whom I interviewed expressed fear of victimisation and needed assurance that their identity shall be treated confidentially.
- e. This culture of corruption, impunity, conflict, fear, and intimidation seems to be continuing. During an interview with a Senior Academic reported:
- “I have been contemplating resigning from all the committees I serve on in the institution, I have that kind of fear. I was told by people in HR that I’m in the firing line, that we (HR) were told to concoct any kind of thing, whether sexual harassment or whatever, to get you (me) into a disciplinary process and get rid of you (me). Basically my answer would be that the culture of fear in UNISA must come to an end”.*
- f. Many Managers expressed their reluctance to take disciplinary action against employees for fear of reprisal; being challenged by organised labour or other influences and interests’ group such as the Black Forum. Staff were also saying that HR is part of the problem and not supportive when it comes to following due processes. A member of ManCom, stated that: *“Another thing which is the opposite of bullying is that if a subordinate does something wrong and you discipline them, the subordinate runs to ER or HR and lays a grievance against you – you are accused of bullying if you ask for legitimate work to be delivered which people are paid for. This is a common thing, and HR could give you the information. It turns even legitimate processes into bullying. There are actual bullying and fear issues but also this kind of reaction from people who are supposed to be doing their work”.*
- g. The frustration with HR not being helpful or assisting in cases of bullying, was emphasised during an interview a very senior academic staff member: *“...they (Black Forum) have been enabled, and the unions as well, which created an environment of victimisation where people will receive emails or calls in which they were threatened, and it resulted in people stepping back and doing the bare minimum. The problem is also that HR is not doing anything about the issues that have*

*been identified – bullying is at its peak in the institution. I have had to deal with it and I'm glad that we are doing more things online because it is somewhat easier to deal with bullies if you don't see them face to face. The bullying and victimisation has been part of our culture for a long time".*

- h. It is evident from many accounts shared with me by staff and management that UNISA is not a healthy working environment. A culture of intimidation, fear, bullying and non-compliance to policies is pervasive. It was clear to me that this practice cascaded down to lower management levels as well. The HR department at UNISA is not functioning optimally, it is fraught with too many problems judging from the many complaints I received about its non- caring nature. Although the institution has a work from home policy, the well- being of many staff is not supported. A number of staff wept before me when they described their circumstances.
- i. Of a major concern is the fact that it does not look like this matter is finding expression in the agenda of the institutional forum which is to advise on "the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning".
- j. The VC shared with me her "AS IS" Report that resulted from her own assessment of UNISA when she took office. The Report reveals concerns raised of a culture "*that does not support the academic project –no consultation, the silo approach, fear etc.*" It says "*There are concerns that the academic voice is either ignored, not heard or at worst silenced. A perception that top-down decisions are made without consultation. It is also interesting to note this is not only from an administrative vs academic viewpoint but also within the academic hierarchy. A concerning point raised is that academics are "cowered" into silence and, in extreme cases, fearful of litigation or victimisation. There are reports that some academics only voice their opinions via labour movements for fear of marginalisation or victimisation. The silo effect of the institutional structure is also a reason cited as the cause of the lack of academic voice*".
- k. A Senior academic who has been in the institution for years, highlighted the impact of factionalism, and had this to say: "*We are concerned about the image of the institution, and of the College of Education. We are concerned about the disunity in the institution – nobody trusts anybody else anymore. We are concerned about the different camps – you want to talk openly and frankly, but at some stage you are afraid that you might be talking to a person from another camp. It is terrible – in fact, that is an understatement. It is debilitating.*" A Council member also highlighted this from a perspective of a governor "*the fact that the university is so factionalised is very concerning, because it could mean that you get different versions of a story depending on who is in the room*".



l. In her written submission to me, the VC acknowledged that there is a problem with the institutional culture, which I find to be reassuring. She stated that: *“The cultures of intimidation, violence, muted voices, and inconsistent performance management, etc, must come to an end. Today, every Unisan knows that there are consequences for bad behaviour, rules apply to everyone equally, and that a conducive academic environment is important for UNISA to succeed. I have informed all managers that they have an ethical and legal obligation to act against bad behaviour or poor performance. Besides, Council too wants to see consequences for bad behaviour. Institutional culture change is at the centre of the reform agenda.*

*Initiatives led by me as Principal and Vice-Chancellor are underway to engage and involve all Unisans in the process of changing bad institutional cultures. Although it will take long, many are beginning to appreciate that we need to change habits, mindsets, archaic frameworks, bad and inefficient practices, old symbols, infrastructure and technology, the questions we pose, etc, including curriculum content to a give way for new and dynamic institutional cultures to emerge.”*

m. I find that the culture of UNISA does not promote or create an appropriate environment for the core business of a university. There are individuals who have been enabled to bully, victimise and create a difficult environment for other people within the University and this cannot be allowed to continue. UNISA must urgently attend to the organisational culture to create a safe, fair, and supportive environment for staff; and must do more to instil the Institutional values as per their 2030 Strategy.

#### **4.5.6 Performance Management**

- a. The MTT Report stated that “Based on the evidence presented to the MTT, UNISA suffers chronic management failures in many of the key support systems. The performances of departments such as SCM, HR Management, Assurance and Compliance functions, and Finance are seriously compromised and fail the university, putting the entire institution in jeopardy. A simultaneous failure of multiple management systems points to deficiencies at leadership level, as well as a gross neglect of consequence management.”
- b. The “chronic disease of lack of consequence management” as was stated by the Chairperson of AERMCoC goes hand in hand with poor performance management.
- c. I noted a number of policies related to performance management and remuneration for the institution. For the purposes of this analysis, I focused on the performance management and bonuses paid to senior manager (P4 -P1).
- d. In 2018 a new **Performance Management Policy for Extended Management and Directors** (P1 – P4) was developed and approved by Council. This policy gives effect to the Integrated

Performance Management System (IPMS) and supports UNISA's aspiration to become a high-performance university. The Policy states that performance management will be used primarily to enhance, monitor and evaluate the ability of extended management and directors to achieve the strategic, functional and operational objectives of UNISA and their units. The Policy is applicable to all employees on Peromnes grades P1 – P4 who are employed permanently, or on a fixed term contract with full employee benefits, or in an acting or secondment position for not less than twelve consecutive months, or in other words for 1 year. The annual performance cycle covers the period 1 January to 31 December and year-end performance assessments must take place after the end of the annual performance cycle, although the policy caters for compulsory mid-year review. Performance is evaluated on a 5-point rating scale and an overall composite rating score is calculated (CPR).

- e. The Performance Management Policy for Extended Management and Directors (P1 – P4) under point 7.9 states the following:

7.9.1 The IPMS and the Performance Management Policy for Extended Management and Directors entails a constructive approach that should assist Extended Management members and Directors in **achieving their performance expectations** through a process of monitoring, review and improvement. Continuous learning and professional growth and development should underpin performance management.

7.9.2 Performance **that contributes positively to the success of UNISA should be acknowledged and encouraged and should be incentivised** through non-monetary and monetary mechanisms, including performance-based pay which may be influenced by institutional affordability\*. (\*See Remuneration Policy for Senior Management and Directors).

- f. In terms of managing poor performance, the Policy states that poor work performance should be managed strictly in accordance with the relevant provisions of the Labour Relations Act, Schedule 8, and this Policy. More specifically the policy states under point 7:

7.10.2 Due to the seniority of members of Extended Management and Directors, **poor performance at these levels could have a serious negative impact on the overall functioning and performance of UNISA and could lead to reputational damage**. Poor work performance of employees at these levels should therefore be dealt with proactively, speedily and decisively as soon as it occurs. This includes a proper diagnosis of the actual causes of the poor work performance and instituting appropriate corrective measures such as training, mentoring, clarification of standards and other support systems.

7.10.3 **Documented evidence of poor work performance is crucial for establishing a case of poor performance**. Line managers should keep adequate records and evidence during the

performance cycle to justify below standard performance ratings that they give Extended Management members or Directors during performance assessments.

- g. In general, the Performance Management Policy for Extended Management and Directors (P1 – P4) is adequate and comprehensive. If this policy is applied consistently and complied with, it should ensure efficient management information on performance of senior staff.
- h. I also considered the **Remuneration Policy for Extended Management and Directors**, approved by Council in 2018. It is specifically stated that this Policy must be read together with the Performance Management Policy for Extended Management and Directors. The policy explains different forms of remuneration such as the General Cost-to-Company package, pay progression, as well as performance bonuses. In terms of policy implementation, it is stated that:
- Giving proper effect to the provisions contained in this Remuneration Policy for P1-P4 requires all three types of **performance assessment provided for in the Performance Management Policy for Extended Management and Directors to have been fully developed and implemented**. As this may take some time a staggered implementation framework for this remuneration policy is presented in Annexure 5 [of the policy]
  - The principles regarding remuneration, as described in this policy, cannot be deviated from prior to amendments to this policy having been approved by Council.
  - The provisions of this policy must be reviewed after 3 years of being implemented, or sooner if necessary, and a review report in this regard submitted to Council's REMCoM.
- i. The **Remuneration Policy for Extended Management and Directors**, states that performance bonuses are based on the CPR2 score (see below). This CPR2 score is calculated from Organisational and Institutional performance year-end ratings as per performance management policy.

The table below sets out the weightings for the three types of performance assessment leading to two types of composite performance rating.

**Composite performance rating 1**

	Individual performance rating(IPR1)	Organisational unit performance rating (OUPR)	Institutional performance rating(IPR2)	Composite performance rating 1 (CPR1)
P1	10%	-	90%	$CPR1 = .1xIPR1 + .9xIPR2$
P2	20%	30%	50%	$CPR1 = .2xIPR1 + .3xOUPR + .5xIPR2$
P3	30%	40%	30%	$CPR1 = .3xIPR1 + .4xOUPR + .3xIPR2$
P4	40%	50%	10%	$CPR1 = .4xIPR1 + .5xOUPR + .1xIPR2$

**Composite performance rating 2**

	Individual performance rating(IPR1)	Organisational unit performance rating (OUPR)	Institutional performance rating(IPR2)	Composite performance rating 2(CPR2)
P1	-	-	100%	$CPR2 = 1xIPR2$
P2	-	30%	70%	$CPR2 = .3xOUPR + .7xIPR2$
P3	-	40%	60%	$CPR2 = .4xOUPR + .6xIPR2$
P4	-	60%	40%	$CPR2 = .6xOUPR + .4xIPR2$

- j. The official **Performance Management Procedure** document (approved by Council 2018) elaborates on the principle of performance evaluation, stating that ratings or scores should **reflect the incumbent's agreed-upon objectives and targets for the entire cycle**, including amended objectives and targets. Incumbents should not be assessed against objectives, targets or standards that became obsolete or that changed during the course of the year. Furthermore, it is stated that an incumbents' **year-end ratings** should not be a mechanistic summation of their mid-year ratings and their ratings for the last six months of the cycle, **but should be allocated afresh for the full cycle**, taking into account any reprioritisations and amendments of targets and standards that were approved during the mid-year review, year-end ratings should also factor in improvements in incumbents' performance after the mid-year review.
- k. Having considered the above policies and procedure documents, I found a contradiction in terms of application of the two policies. Both policies indicate that performance management scoring and ratings are based on an entire cycle or full year. Under the section on Performance Bonuses in the **Remuneration Policy for Extended Management and Directors**, point 5.2 emphasises that the CPR2 score is based on a full year, however, point 5.3 states that employees must have been in the position on which performance is assessed for at least 6 months (see below) and in point 5.5 that they qualify for a *pro rata* bonus.

## 5. PERFORMANCE BONUSES

Subject to budgeted funds being available and the Council being of the view that the University is able to fund performance bonus awards, performance bonuses may be paid to employees on P1-P4 as recognition for their contribution to achieving the strategic objectives and the functional objectives of UNISA as measured by their Composite Performance Rating 2 (CPR2) through the multi-dimensional performance assessment system.

The following specific points of departure apply to decisions on the payment of performance bonuses:

- 5.1 The following employee categories on P1-P4 are eligible for the payment of performance bonuses:
  - a) All fixed term contract employees appointed with full employee benefits; and
  - b) All employees appointed in an acting or seconded capacity at the level of P1-P4.
  - c) All employees on P3-P4 who are appointed on a permanent basis.

P1-P4 employees employed on a fixed term contract basis with limited benefits will not qualify for any performance bonus payments;
- 5.2 The Composite Performance Rating 2 (CPR2) for the period covering 1 January to 31 December of the year in question forms the basis for quantifying any performance bonuses according to the provisions set out in **Annexure 4**;
- 5.3 P1-P4 employees must have been in the position on which their performance is assessed for at least 6 months and must still be in the employ of UNISA at the time of the payment of performance bonuses provided that P1-P4 employees who are retiring or whose employment contracts end within the last 6 months of the year in which they reach retirement age, may be paid a *pro rata* performance bonus;
- 5.4 Despite the provisions set out in **Annexure 4** Council, on recommendation of its Remunerations Committee and funds permitting, may make special performance bonus awards in excess of the provisions in Annexure 4 for members of extended management and directors who have shown sustained excellence in performance as measured by their CPR1 and CPR2 ratings over a period of at least 3 consecutive years;
- 5.5 Qualifying P1-P4 employees who have not served a full 12 months in the position for which they are being assessed will receive a *pro rata* performance bonus subject to them having served at least 6 months in that position.

- l. It is therefore not clear to me, in cases where performance bonuses are awarded to employees that are in their positions of less than a full year, on what basis the bonuses are awarded. UNISA must consider how these policies are interpreted and needs to clarify any uncertainty in this regard, as it creates opportunity for misinterpretation and possible exploitation in certain instances.
- m. During my interviews, some staff indicated that the performance management system does not reflect the actual state of affairs at UNISA. I considered the data on performance bonus allocations that was provided to me by HR, as well as the remuneration information contained in the 2021 UNISA Annual Report. I found it concerning that performance bonuses were awarded to staff even when there are clear indications of non or underperformance in certain areas. **This report, highlight the dysfunctions in several departments at UNISA, yet staff and executives are getting bonuses.** Surely, performance scores, according to the performance management policy,

should reflect some of the dysfunctions through lower ratings and that in return should affect the CPR2 scores which would result in no performance bonus. This does not seem to be the case at UNISA.

- n. One staff member, stated that performance scores are adjusted to whatever is needed to qualify for a bonus, saying that “if we change the qualifying criteria for bonuses from 3.1 to 3.5, you will see an upward movement in the Bell curve.” The person further confirmed my suspicion saying “*I think 95% of staff received performance bonuses. With the levels of service delivery and the unhappiness of students and our image going down the drain, if you connect all the dots the staff probably don't deserve those performance bonuses.*”
- o. A senior member of staff at the level of ED, explained his concern related to performance management and payments of bonuses as follows: “*I said to them once, that they complain about problems in the institution, but Exco and Remco approve performance, and the average performance was 3.8, where 3 is the baseline. This means that you cannot complain about the institutional performance, but you don't raise concerns about performance. How did you guys at Council approve that – if management gave those scores to people, you should have questioned them. You approved it and gave bonuses, what does that say about your ability to assess the situation and give you the right results.*”
- h. A submission made to me alleged that during January 2021 and again during December 2021 the VC demanded a bonus payment for herself, although such a payment was not provided for in the terms of her appointment. According to the submission:

“At a meeting held with the newly appointed Principal & Vice-Chancellor held on the 7th of January 2021, she claimed that at a meeting where an offer of employment was made to her, (t)he employer had agreed to pay her a performance bonus like the one paid to the outgoing Principal & Vice-Chancellor, Prof Mandla Makhanya for the 2019 financial year. The discussions on the offer of employment took place on the 10th of November 2020. The previous Chairperson of Council, Mr Sakhi Simelane was present in the meeting, and he led the discussions. The issue of performance bonus and what had been paid to Prof Makhanya arose within the context of the full Employee Value Proposition whereupon it was clearly indicated that performance bonus is governed by the Performance Management Policy..... She insisted that bonus payment was due to her”.
- i. The same submission alleged that the VC sent an e-mail to HR during December 2021 demanding that the bonus payment should reflect in her bank account by 15 December 2021.
- p. On or about 12/13/14 December 2021 Prof LenkaBula sent me an email demanding payment of bonus which had to be into her bank account by 12:00 on the 15th of December 2021. The author

further explained that early in the year, the VC has been advised to consider structuring her remuneration package to allow for the 13th cheque but she changed her mind after the Payroll Division had implemented the provision for the 13th cheque. She was refunded the amount deducted from her salary, and the 13<sup>th</sup> cheque arrangement was discontinued.

- q. When I asked for proof of this request, the person stated that the emails in this regard “disappeared” from his email inbox.
- r. In fact, there were a number of instances where staff reported that emails vanished and that they didn't know what happened to them. A former executive said “*You definitely knew that you received an email, with a document, on a specific date, and when you look for it, you simply cannot find it. I approached IT, and the staff members there were probably in cahoots – ‘Oh, it disappeared, we will look for it’ – but there were no results.*”
- s. When I probed the issue about disappearing emails further, I came across the Interception & Monitoring Policy (approved 2013) that “*aims to balance the rights to privacy of employees with the security and risk management obligations of UNISA by providing strict rules and limitations on the interception and monitoring of communication*”. The policy states that it applies to all employees of UNISA, any service provider or any person authorised by the VC or the chairperson of Council to assist UNISA in the intercepting and monitoring of employee communications. Further it states that the interception of the indirect communication may only be intercepted with the express or implied consent of the principal. Basically, the policy allows for the VC to give instruction to intercept indirect communications such as emails, if he/she may have reason to intercept. See below, extracted from the policy point 5.3.4.

5.3.4 interception and/or monitoring of indirect communication is conducted for the purposes and in accordance with the process detailed in section 6 of RICA:

- a) the employee abuses/misuses communication facilities of the university. The university provides access to the communication facilities for purposes of conducting university business.<sup>11</sup> The interception of the indirect communication may only be intercepted with the express or implied consent of the Principal<sup>12</sup>:
  - i) for the purposes of<sup>13</sup> monitoring or keeping a record of indirect communications,
    - aa) to establish the existence of facts<sup>14</sup>
    - bb) to investigate or detect the unauthorized use of the communication facilities<sup>15</sup>
    - cc) where monitoring is undertaken in order to secure or as an inherent part of the effective operation of the communication facility<sup>16</sup>
    - dd) monitoring indirect communications made to a confidential voice-telephony counselling or support service operated in such a manner that users or employees thereof may remain anonymous if they so choose.<sup>17</sup>
  - ii) if the communication facilities are provided for use wholly or partly in connection with the business of the university,<sup>18</sup>
  - iii) if the Principal has made all reasonable efforts to inform in advance, the employee or person who intends to use the communication facilities, that indirect communications transmitted by means thereof may be intercepted or with the implied or express consent of the employee or person who uses that communication facilities.<sup>19</sup>

5.3.5 the interception or monitoring is incidental to the installation or maintenance of the communication facilities<sup>20</sup>

t. I must state that I did not investigate the allegation of the performance bonus request from the VC further, and neither did I explore the interception of indirect communication any further. The policy is clear as to what can be authorised and by whom. This can, however, add to the pervasive culture of fear and intimidation that is alluded to, elsewhere in this report.

#### ***4.5.7 Staff Suspensions and Dismissals***

- a. The terms of reference require that I conduct an analysis of the circumstances and reasons for the significant number of staff suspensions, disciplinary cases and dismissals at the University since 2018.
- b. To get a sense of the number of staff suspensions, disciplinary case and dismissals at the University, I requested the Management for this information. The Report I received on 29 September 2022 gives the following summary over the five-year period:



	2018	2019	2020	2021	2022
<b>No. of cases</b>	9	12	2	2	14
<b>Suspension lifted</b>	6	4		2	
<b>Pending</b>	-	4			9
<b>Final Written Warning</b>	1	1			
<b>Resignation</b>			1		
<b>Dismissal</b>	1	2	1		5
<b>Settlement</b>	1	1			

- c. The report provided gave details of what the grievances were, or the alleged offences. In the main, the disciplinary cases feature charges that include breach of contract & failure to fulfil contractual obligations; breach of policies and procedures in relation to salary adjustments and abuse of power; breach of policies and procedures, terms of suspension & court order, involved in illegal strike, disruption of graduations, intimidation; breach of policy on issuing Certificates for qualification and gross negligence; break-in; gross dishonesty; confidentiality breach; abuse of office; contravention of UNISA Code of Ethics and Embezzlement of UNISA funds; removal of UNISA property without permission; gross insolence and abuse of resources; Intimidation, contravention of court order, breach of policies, procedures & OHSA, damage to UNISA property, disruption of graduations etc; negligence in performance of duties; intimidation, hate Speech, defamation of character; sexual harassment and rape; soliciting bribes for interviewees in exchange of employment; unlawfully accessing reports, misrepresentation; victimization, bullying and sexual harassment.
- d. From 2018 to 2022, there were 39 cases. Most of the grievances emanated from the non-academic domain, with only 4 reported in colleges over the 5-year period. In each year, very few cases resulted in the suspensions being set aside at the CCMA. Of the 39 cases over the 5-year period, only 9 ended in dismissals while 13 were pending. Whether the number of cases can be regarded as high, cannot be said without some benchmarking against other universities, which I did not do. However, given the size of UNISA, I would not regard these as significant. Only three cases involved members of the executive, namely:
- The former VP: Teaching and Learning, where the suspension was uplifted in August 2019.
  - The former CFO, where the incumbent was found guilty and dismissed.
  - The former Registrar, where the outcome was not stated.
- e. Majority of the 2022 cases were linked to the suspensions and dismissals of the NEHAWU members, 5 of whom were dismissed in May 2022. Eight employees have been on suspension for more than 8 months and the disciplinary process has not been concluded.

- f. Of note were also two suspensions of two EDs in 2022, both of whom I interviewed. The two of them had been on a suspension for a very long time. This could be attributed to the Disciplinary Code which sets no time limit set within which an investigation into the alleged misconduct should be concluded, thus allowing for extensive periods before charges are formulated against a suspended employee. The employee remains on paid suspension with full benefits. They both complained that UNISA drags its feet to a point where some of the employment contracts expire before the conclusion of the cases.
- g. The Disciplinary Code of the UNISA states that upon written recommendation of the Directorate or the Employee Disciplinary Committee, the Principal, may if he or she has reason to believe that it would be in the interest of the University or its employees for an employee to be suspended immediately from some or all of his/her duties and to be restricted from entering some or any premises under the control of the University for a period of up to ninety calendar days. Despite the provision of the period of suspension of up to ninety (90) calendar days, the Code provides for the suspension of an employee to continue until the disciplinary appeals committee makes a finding and ruling or until the Principal lifts the decision to suspend. This is impractical and lends itself to inefficiencies. Moreover, The University runs the risk of having waived its right to take disciplinary action in instances where the delays in convening disciplinary processes cannot be justified and exceed the time limits prescribed in the Disciplinary Code.
- h. On the prolonged suspensions, a case was presented to me of an employee who was placed on suspension and waited for 8 months for charges to be formulated. To date there was only one charge proffered against him. No details of what gave rise to this extensive period of suspension or delay has been forthcoming. The employee was forced to make an application to the Labour Court on an urgent basis to compel the University to correct the irregular step in the exercise of discipline. Despite the obvious error and/or breach of the employee's contract of employment, the University opposed the application at the Labour Court incurring unnecessary and wasteful legal costs as an order was granted in favour of the employee.
- i. I learnt of another case of a senior employee who was suspended for approximately two and a half years under very mysterious circumstances by the VP: Institutional Development. The employee was reinstated after a CCMA arbitration process after an employee incurred huge expenses in legal fees for which the university has not taken responsibility. During the absence of the senior employee, a former member of Council was appointed in her department after the MTT Report was issued to the university Council. I asked the VP to explain the circumstances. He informed me that 'someone' in Council complained about that Department and how it was not handling the negative publicity in the media and that the ED be 'suspended'. He further informed

me that the VC instructed him to appoint that individual. He could not provide written evidence, and simply said the VC does not write such instructions down.

- j. I also noted that as per the Disciplinary Code, the process to kick-start a disciplinary process is managed by the Directorate Employee Relations who compiles the charges and represent the University in the hearing, alternatively must nominate a suitably qualified employee of the university. The latter is **an anomaly** as discipline is a line management function and the Directorate should avail itself to both the university and the employee to ensure procedural fairness is affected. This accords with the principles of fair labour practices.
- k. I put the question of the delays in the disciplinary cases of senior managers to the VC, and she attributed it to the arbitration clause in their employment contracts. She had this to say “*At UNISA you cannot terminate a contract without going through arbitration. Both parties have to agree on the arbitrator, which draws out the process. We realised that the arbitration clause is a major challenge that may require a policy review and a change to our contracts for positions at P4 to P1. The legal processes are beyond my determination – I would have preferred to speed up the process. I have followed up and had a look at the process, and also considered the proposal that the CCMA should be used rather than independent arbitrators.*”.
- l. I requested for a senior manager employment contract , which contained the following clauses:  
*12.4 Misconduct will be dealt with in terms of the arbitration clause provided for in clause 13 hereunder.*

### **13 Arbitration**

*13.1 Any dispute which arises regarding:*

*13.1.1 the interpretation or application of this agreement*

*13.1.2 any of the parties’ rights and obligations arising from this Agreement; or*

*13.1.3 the termination or purported termination o for arising from the termination of this Agreement; or*

*13.1.4 the rectification of proposed rectification of this Agreement, or out of or pursuant to this Agreement, shall be submitted to and decided by arbitration.*

*13.2 The arbitration shall be held at Pretoria.*

*13.3 It is the intention that the arbitration shall, where possible, be held and concluded in 21 working days after it has been demanded. The parties shall use their best endeavours to procure the expeditious completion of the arbitration.*

*13.4 The arbitration shall be subject to the arbitration legislation for the time being in force in the Republic of South Africa.*

*13.5 The arbitrator shall be a practising attorney or advocate of not less than ten (10) years standing appointed by the parties or failing agreement by the parties within 10 days after*

*the arbitration has been demanded shall be nominated the President for the time being of the Law Society of the Northern Provinces.*

*13.6 If there is any clause other clause in this Agreement providing for a difference method of determination of a particular dispute, that clause shall prevail over this clause.*

*13.7 The parties shall keep the evidence in the arbitration proceedings and any order made by any arbitrator confidential unless otherwise contemplated herein.*

*13.8 The decision of the arbitrator shall be final and neither party will have any further recourse including but not limited to recourse at the CCMA, Labour Court, High Court etcetera.*

*13.9 The provisions of this clause are severable for the rest of this agreement and shall remain in effect even if this agreement is terminated for any reason.*

- m. Given the VC's view that the provisions of the arbitration clause in the employment contracts of senior managers is an impediment in the implementation of disciplinary processes, the University should consider reviewing the clause.

#### **4.5.8 Organised Labour Matters**

The Statute provides for "representative employees' organisation" as any organisation of employees that has representation which is sufficient as determined by council. UNISA has two recognised unions, namely NEHAWU and APSA, as is also confirmed in the 2021 Annual Report.

##### **4.5.8.1 Recognition and Procedural Agreements**

- a. During the assessment, I became a recipient of several correspondence between NASA and the University Management, where NASA was challenging APSA recognition.
- b. According to a letter from NASA to the University of 2 November 2022, UNISA recognised NEHAWU, APSA, National Union of Tertiary Employees of South Africa (NUTESA) and South African Parastatal and Tertiary Institutions Union (SAPTU) when none of them have attained the majority status even if they had acted jointly or collectively. Secondly, a 2019 Internal Audit verification of membership representation affirmed that only NEHAWU qualified on two of the three threshold requirements specified in the UBF constitution; and that APSA did not meet all requirements, yet the University failed to invoke clause 5.2.4.5 of the Recognition and Procedural Agreement (RPA). They accused the University Management of recognising APSA outside of the legal prescripts, RPA and UBF constitution; and deemed this to be a gross irregularity. Another issue at the centre of this dispute was the UBF Constitution which was apparently only signed by NEHAWU; and the constitution is in line with section 18 (Right to establish threshold of representativeness) of the Labour Relations Act 66 as amended.

- c. The VP: Institutional Development responded in a letter dated 16 November 2022, which was shared with me by the Employee Relations Department. The response read:
- i. *We confirm that only NEHAWU and the employer signed the collective agreement (named UBF Constitution) in 2005. We deny the notion that at the time of signing the UBF Constitution none of the recognised trade unions did not constitute/ command a majority of members. The signed recognition agreement between APSA and the employer confirm that APSA is a party to the UBF Constitution and will honour same.*
  - ii. *We are satisfied that the UBF Constitution complies with Section 18 of the Labour Relations Act, as amended. This observation is based on the fact that the membership figures of both NEHAWU and APSA constitute more than 60% of total staff complement.*
  - iii. *It is common cause that during the UBF meeting held in August 2019, the employer conducted verification of APSA membership and established that the union was not complying with the Bargaining Forum threshold. The verification process was also supported by the Internal Audit report dated 1 October 2019.*
  - iv. *On 31 October 2019, APSA was given notice to demonstrate that it complies with the threshold. It was anticipated that the matter will be discussed at the UBF Special Meeting or AGM to be held in the first quarter of the following year as espoused in the UBF Constitution. However, due to the advent of Covid-19 and the subsequent National Lockdown, this meeting did not materialise.*
  - v. *The position of the employer is that it has not permitted APSA recognition outside of the legal prescripts. During the UBF Special Meeting held on 28 March 2022, the employer presented a report on the verification of membership figures of recognised unions. The verification process revealed that APSA was not complying with the required threshold. To this end, APSA was given notice in April 2022 to increase its membership. We are satisfied that as at 30 September 2022, APSA has increased its membership.*
- d. According to information from the Employee Relation (ER) and Wellness which was based on the letter from the ED:HR communicated to APSA on 31 March 2022, “*the calculation of APSA membership in terms of all employees within the bargaining unit including 162 union members with dual membership as of 28 February 2022 was 19.9% or 1399 members, which is below 25% threshold requirement. The membership figures further revealed that APSA had a total of 599 academic members which represented 26.3% of the total academics, which is below 40% threshold required for recognition*”. APSA was requested to provide evidence of its membership not determinable by the deduction list as processed by the Directorate Payroll, failure to which the employer would invoke Clause 5.2.4.5 of the RPA to give APSA three months’ notice to

increase its membership. It was further indicated that the membership figures had increased from 1399 to 1732 as of 30 September 2022; but still APSA had a shortfall of 26 members to satisfy 25% or 1758 of all employees within the bargaining unit.

- e. In fact, APSA had, in accordance with a letter dated 28 April 2022 from the HR Department to APSA, disputed the accuracy of the membership figures determined on the basis of membership subscriptions processed by the UNISA Directorate Payroll; and requested that the membership figures and the total number of staff in UNISA be audited in order to determine the accuracy of the membership figures. In the letter, the University committed to make an application to the CCMA requesting the Commission to perform a membership verification to resolve the dispute.
- f. I was also made aware of complaints brought to the ER & Wellness Directorate from various members of staff about the breach of POPI Act by APSA. The Directorate reportedly conducted its own investigation and established that APSA may have used privilege and confidential information shared with the parties at the UBF to drive its recruitment campaigns.
- g. UNISA must ensure compliance with the recognition and procedural agreements with organised labour. In cases where the membership is below the threshold requirements as provided for in the Agreement, the University should terminate the recognition of the respective trade unions and its participation at the UBF. The trade unions may still enjoy the organisational rights indicated in the LRA (section 12&13). And perhaps, the University should consider renegotiating the Constitution of the UBF and ensure that the University normalises the power imbalance presently prevalent within the university.

#### 4.5.8.2 *The UNISA Bargaining Forum (UBF)*

- a. The employer, UNISA together with the recognised unions, form the UBF which has an independent chairperson. Matters of mutual interest (employer and employee) are referred to the UBF for either consultation or negotiation, as prescribed by the Labour Relations Act 66 of 1995, as amended. The current UBF Constitution is dated November 2005 and is signed by the University as the Employer on the one hand, and only NEHAWU as a trade union on the other. There is no evidence to support that APSA is a signatory to the agreement or any of the other trade unions listed in the constitution. This is an important factor to take into account as any rights and obligations flowing from the agreement has an impact on the enforceability of those rights and obligations in relation to the signatories and/or the non-signatories flowing from the constitution.
- b. In terms of clause 3 of the UBF Constitution, one of the objectives of the UBF is to serve as the sole bargaining forum for the University and its employees as provided for in the recognition and

procedural agreements of the APSA and NEHAWU. There is an imbalance of the number of representatives for each stakeholder for example management holds not more than 6 seats in the UBF whilst the trade unions hold a maximum of 12 seats. The voting powers of the constituents in the UBF are skewed when matters of procedure are deliberated upon in the UBF as the majority decision holds.

- c. In terms of the Labour Relations Act there is a clear distinction drawn between matters of mutual interest and rights issues. It is only in instances of the former that negotiations are embarked upon, and the remainder of the matters are only for consultation that require a joint consensus seeking approach but does not necessarily mean that it should result in an agreement. The latter process may be facilitated swiftly provided that the management has the necessary approvals and mandates pertaining to the issue at hand.
- d. I interviewed the UBF Chairperson, who is a senior CCMA commissioner; and chairs many other bargaining forums. He indicated that he was on his fifth and last year as the Chair of the UBF in terms of the Constitution. He expresses some of the limitations he has noted and challenges that he has experienced in the role, which include:
  - i. The powers of the UBF Chairperson are limited, as his role is simply that of a facilitator of the meetings. As a result, the chairperson is not empowered to ensure that issues are dealt with more speedily within the Forum.
  - ii. The UBF Constitution is an outdated document and does not provide for the right to consult. Any conditions of employment or policies must be negotiated; and felt that the revision of the Constitution would be difficult as it appears to suit the unions well.
  - iii. The issue of the prolonged suspension of the ED:HR who was the Chief negotiator on behalf of the University. Following his suspension in April 2022, there was no clear strategy on the way forward regarding the participation of the Employer in the UBF or the timeous appointment of an alternative replacement.
  - iv. Unnecessarily prolonged meetings due to certain unproductive conduct by some members of the trade unions, compulsive talking by some members, convoluted agenda, ill-preparedness to deal with the items and lack of mandate and/or strategy on collective bargaining issues results in matters not being finalised but being deferred continuously. He gave an example of approximately 40 outstanding issues, some of which have been on the agenda for 6 years.
  - v. Lack of quorum for meetings. For an example, in the early months of 2022, NEHAWU did not attend the UBF meetings and advised that it would not attend until the strike was over; and with the subsequent suspensions and dismissals of NEHAWU members and no alternative

representatives being identified, meetings could not be held for a period of three months. The minutes of the UBF confirmed this.

- e. In the latest Report of the UBF Chair covering the period of 01 June 2021 to 31 May 2022, he outlined a number of non-policy issues that are still pending:
- i. Implementation of Ad Hominem Promotions for 2019.
  - ii. Standardization of Administrative jobs in the Colleges.
  - iii. Withdrawal from pension funds.
  - iv. Payment for Security Officials who worked on Sundays.
  - v. HR matters affecting staff members at the Directorate: Student Assessment Administration – Assignment (DSAA) - employees seconded to the Examination Section, and employees appointed as Examination Packers.
  - vi. Terms of Reference for Talent Review Committee.
  - vii. Unilateral implementation of the Business Enterprises.
  - viii. Unilateral changes to ICT systems / ODeL projects.
  - ix. Procurement of ICT Laptops by staff members.
  - x. Tender on Information on an Enterprise Content Management Solutions (Electronic Document and Records Management System and/or Web Content Management System)
  - xi. Finalized structures at the UBF.
  - xii. Unilateral implementation of salary increments to academic staff and others.
- f. The salary adjustments of academic staff and the subsequent agreement concerning support staff created a parallel substantive agreement regarding terms and conditions outside of the annual substantive negotiations. This is inconsistent with collective bargaining for salary increases in the workplace and may set a precedent for the future for mutual interest issues between the employer and the trade union acting on behalf of its members. The rationale to effect the salary adjustment did not achieve the results it sought as the salary discrepancies between academic and other categories of staff remain.

#### 4.5.8.3 *Management and Organised Labour*

- a. UNISA has always been described as a highly unionised environment. The perception that the unions, in particular, NEHAWU had “too much power” and was unduly influencing a lot of decisions, including appointments. A union leader was candid enough in an interview to admit that the “union plays an influencing role” in most appointments at the University even though they should play an observer role in interviews. I was told of several executives who would have been suspended or had their employment terminated due to the influence of the unions. Even



performance management processes are influenced, because managers say they are threatened and attacked by the unions if their members' scores are marked down on their evaluations.

- b. In an interview a senior manager explained the frustrations experienced with unionised staff: “ *it felt that the unions co-managed the institution, if you defied the union, they would tell you in your face that if you continue with this mentality, in six months you will no longer be here*”. Another said, “ *we end up co-managing with the unions which makes consequence management difficult to implement*”. Many managers also described an environment that is difficult, and rendering them unable to do their jobs, particularly in managing performance of the employees under them. This situation has continued unabated and has eroded the management decision-making powers, as managers err on the side of caution to avoid conflict with the unions.
- c. It was no surprise that many applauded the courage of the VC in the suspension and dismissal of the NEHAWU shop stewards, given the history of undue influence by the unions at the University.
- d. A NEHAWU office-bearer indicated that the relationship with the VC was good at first, but things took a turn for the worst during the salary negotiations. They accused the VC and management of unwillingness to engage with organised labour. The suspension and dismissal of the NEHAWU Shop stewards and members has seemingly fractured the relations further. The Management was also accused of not complying with the provisions of the UBF Constitution nor the recognition agreement when the office bearers were dismissed or when the shop-stewards were suspended.
- e. When asked about the conflict with NEHAWU, the VC said:

*“ I joined UNISA on 5 January 2021. I tried to settle into my office as the new VC, and my first encounter with NEHAWU was in an HR workshop for all knowledge communities – including the unions and student organisations. I use the terms ‘knowledge communities’ so that these communities should understand their role in universities. My relationship with NEHAWU has been professional, appreciating their role within and outside of the university. I do not want to create gradations of different unions, but I do understand the historic development of NEHAWU in the institution. I have never been opposed to NEHAWU; I have been supporting of their mandate. When NEHAWU leaders were protesting and unwilling to work, I requested a meeting to discuss the dissonances in our engagements.*

*There was a Council meeting in which a request for a R 100 million fleet contract was discussed and I refused to sign because it was presented to me two days before the Council meeting. I experienced disdain from the NEHAWU members in Council. Before they disrupted the graduation ceremony, they requested permission to picket during lunch times, which we granted. At my initiative, I requested an engagement between ManCom and NEHAWU to agree on*

*processes. It is quite sad because even when NEHAWU was contending with the salary adjustment, I said it is good that they raised it and we would attempt to find a solution. We even listened to some of their propositions. My proposition was that we should reverse the adjustment of staff who received an increase outside the law. They requested a once-off payment because people would have already spent the money. Because we are a collective, we negotiated and went to Council to request condonation and to allow us to have formal processes in place.*

*After the solution for that process was reached, they continued with the protest, and I was baffled about what the protest was about. I called another meeting to say I don't understand what the protest was about, and they tabled another list of demands. When they disrupted the graduation, I was not officiating that graduation. They called me into ZK Matthews to engage, and I agreed to address the executive and the members, but I requested that the graduation should continue because it affected not only the university but outsiders. I wrote to them and asked that we must engage, and I emphasised that they also have a legal duty and that disrupting the academic project, something as sacrosanct as the graduations, would not be allowed. I created spaces for engagement, but it was not followed through. I also went to the national structure of NEHAWU, because I believed that if we cannot find one another perhaps they could mediate some of the positions that the leadership of NEHAWU was taking here. I think my relationship is professional and allows engagement."*

- f. NEHAWU made a submission which provided their testimony to the allegations of disruptions of graduation ceremonies and the subsequent disciplinary actions. Below is their narrative of the events:
- i. On 25 September 2021, the University implemented a selective salary adjustment to Academics Staff, and the portion of Support staff from (P5-P6) and left out other support staff members from (P7-P16) without following consultation and/or negotiation at the bargaining forum.
  - ii. NEHAWU raised concerns about selective implementation of salary adjustments which resulted in a collective agreement entered into by UNISA and organised labour.
  - iii. Parties agreed that the payment/adjustment would be extended to all support staff who were left out during the implementation in September 2021, and it was agreed that the adjustment would be effected on 15 February or alternatively on 25 February 2022.
  - iv. The employer did not honour the collective agreement in February 2022, instead the employer amended or changed salary notches of support staff to reflect new salary notches, and at the eleventh hour the employer reversed the already captured salary notches which resulted in a widespread anger from workers.
  - v. NEHAWU raised disappointment [at] the conduct of the employer, subsequent to that several special bilateral and bargaining forum meetings we(re) held in order to resolve the

- matter and calm down angry workers. Parties at UBF agreed that the payment would be made on 15 March 2022.
- vi. NEHAWU learnt through its members on 11 March 2022 that payment (*would*) not be effected on 15 March 2022, and members were angered by the conduct of the employer. They summoned the Branch Office Bearers (BOB's) to call for an urgent special mass meeting to deal with substantive negotiations (salary increase for 2022) (*and*) payments of salary adjustments.
  - vii. As per the instruction and/or mandate from workers, a venue was booked for 15 March 2022 for a mass meeting, upon arrival it was discovered that the employer double booked the venue for the NEHAWU Mass Meeting and Graduations.
- g. I analysed the supporting documents that were submitted by NEHAWU. According to the agreement signed 17 January 2022, "*P7 to P17 employees who were in the service of the University on the 1<sup>st</sup> of September 2021 who did not receive the adjustment would receive such an adjustment on the same dispensation that was applicable to those who received the adjustment at that stage and the adjustment (i.e., back pay) will be effective from the 1<sup>st</sup> of September 2021*".
- h. A memorandum from VP: Institutional Development to APSA of 21 March 2022 indicated that, the Council approved the request by Management to fund the collective agreement on salary adjustments through the disestablishment of a portion of funded vacancies which have been vacant for a number of years which HR has determined to be outside the new fit for purpose organisational structures which were agreed with portfolio heads and line managers. The memo went further to say that the salary adjustments will be paid to all qualifying staff on the 30th of March 2022. I noted that the memorandum did not bear the signature of the VP.
- i. I then traced the decision of the Council on the matter and noted the following:
- i. At the Council meeting of 25 November 2021, the CFO presented the budget which was said to address the concerns of the Council and the FIECoC about where the money for the salary increase effected in September 2021 would come from. FIECoC had been assured that the money would come from the current budgeted vacant posts that would be abolished. The Minutes further state that the escalating human resources costs were also of concern. previous salary increases over ten years had been analysed and the average was above 2,1%. The implication was that the human resources costs had been growing at a faster rate than the revenue. To address the spiralling human resources costs, the Institution should either contain the growth of the human resources costs or accelerate the growth of third- and fourth-stream income. Council resolved that the MTEF be not approved but be referred to management and FIECoC to address the concerns raised before

it was resubmitted for approval at the next meeting. However, Council approved the recommendation of the FIECoC to transfer R21 912 626 within the 2021 operational budget to fund the additional 0,5% salary increase.

- ii. According to the minutes of the 14 December 2021 meeting, the Council was requested to approve the Medium-term Expenditure Framework (budget) for 2022. The CFO presented the report, where he indicated that the FIECoC had approved the budget on condition that a task team is constituted to address the escalating human resources budget. It was also mentioned that FIECoC had requested the VC to provide it with a report on consequence management in respect of the individuals who had not followed procedures, which had led to expenditure outside Council approval. The VC indicated that a preliminary report on consequence management was available and would be shared with the FIECoC members before it was submitted to the Council. FIECoC had made it clear that, in future, it would not approve the budget with escalating human resources costs. The Council therefore resolved that, to address the escalating human resources costs, the budget with Scenario 2 as reflected below be approved: "Same as for Scenario 1, but with positions to an amount of R176 million abolished on the support side. This amount is calculated to be equivalent to the value of recent as well as still-to-be-determined additional 2021 salary increases to staff within the bargaining unit. This would result in a projected surplus to R186 million."
- iii. The Minutes of the Council meeting of 19 April 2022 note that at its meeting of 30 March 2022 Council noted that the Interim salary adjustment was duly approved by round robin but further noted that the AERMCoC Chair had voted against the motion and formally registered her objection, with a request that the matter be further discussed in Council. Council's position that the matter had already approved the matter but wanted to give her an opportunity to explain why she did not approve the request. The AERMCoC Chair indicated that there was no sufficient information given to allow her to make a decision. There were issues relating to the abolition of positions and that there was no benchmark for the salary adjustments. She said she requested more information on the issues raised but she did not receive it. She was also of the opinion that matters having financial implications needed to be discussed and approved in a formal meeting and not by a round robin process. Her sentiments were shared by the members of the committee and she said Council should provide guidance on what issues should be decided by a round robin process.
- iv. At this meeting of the 19 April 2022, the VC gave a brief overview of what led to Management agree to an interim salary adjustment. She said her assessment of the remuneration of staff when she took office was that there was disparity of remuneration between academics and the support staff. Some support staff who were secretaries were paid more than academics

even though academics were required to have a higher qualification than the secretaries. This situation led to several rated academics leaving the university. Most of the affected academics were on P5 and P6 levels, which are full professors and associate professors respectively. Management had requested HR to do a benchmark on the salaries of academics with other institutions of higher learning. It was indicated that HR did not bring that information to the Management as requested but continued to implement the adjustment. The HR Department did not consult organised labour before they could implement the adjustment. What exacerbated the matter was when the interim salary adjustments were paid to the other non-academic staff at P6 level. This led to the organised labour to demand that the salary adjustment be paid to all the support staff. The management had applied consequence management to the extent that the ED: HR was put on suspension.

- j. The VP: Institutional Development's Memo of 21 March 2022, was followed by the VC Statement of 23 March 2022 to the University community announcing that:

*"the main issue of dispute between UNISA and organised labour, namely, salary adjustment, has been successfully resolved by the appropriate authority, the Council of UNISA. .... In an effort to remedy the situation, Management and I instructed Human Resources to undertake a research and benchmark study regarding salaries for Academics, Administrative and Professional staff due to the complex nature of the problem.*

*It is unfortunate that Human Resources did not comply with Management resolutions on the salary adjustments, including the benchmark study which was never done. Instead, shortcuts were taken, and the university was exposed to operational and strategic risks, including a collision course with organised labour.*

*In August 2021, Management decided to approve the salary adjustment of P6 and P5 Academic and Support Staff salaries as an interim relief, even though the initial intention was to remedy the discrepancies surrounding remuneration for academic staff.*

*The problem arose when Human Resources made the salary adjustments without following the appropriate governance procedures and thus making the salary adjustment irregular and unlawful. Under normal circumstances, salary adjustments should happen in strict observance of Labour Relations laws, UNISA's remuneration policies and the internal bargaining and governance frameworks. This did not happen at the required time. It is this violation of governance protocols that has led to the current instability and impasse which has lasted for over five months now."*

- k. The statement further assured “*all stakeholders concerned that consequence management is underway and will apply to all those who have violated university policies and the laws of the land. UNISA cannot condone lawlessness.*”
- l. According to NEHAWU, the VC Statement was an indication that parties resolved the matter amicably, the union closed the chapter of salary adjustments on 25 March 2022, but “it is unfortunate” that they were not aware of a “plot against them”.
- m. On 7 April 2022, the VC wrote to NEHAWU expressing concerns about the quality of the relationship between the University and NEHAWU. She expressed concern that as someone who “*has a longstanding commitment to the success of the higher education sector, South Africa, and progressive politics*”, she had invited NEHAWU to participate in the VC’s Lekgotla, but they declined the invite. She bemoaned the deteriorating relationship between the University and NEHAWU, reasons of which were unclear to her. She reiterated that “*NEHAWU is an important stakeholder in the university community, as it shoulders the responsibility to not only represent the interests of its members, but to contribute to the overall strategy and transformational goals of the university*”. The letter requested NEHAWU for representations on their “unlawful” labour actions between 15 and 26 March 2022 which disrupted the 2022 Autumn Graduations and were symptomatic of the deterioration of the relations with the University.
- n. NEHAWU responded on 12 April 2022, first stating that her letter is with “*inaccuracies, innuendos, gossip mongering and importantly, [the VC’s] lack of comprehension of how the university functions as well as her role in ensuring that stakeholder engagement and management in the institution takes place*”. The response also stated that “*NEHAWU has always been open for dialogue and/or discussion on any matter that affects the university, this is proven by previous emails sent to your office without response, however, we welcome the so-called open-door policy suggested in your letter, we will utilize that opportunity with the hope of improving stakeholder relations amongst parties.*” They pointed out that the issues raised belong to the UBF. They disputed that that they held an illegal strike, but that NEHAWU held a mass meeting with its members at ZK Matthews Hall, which they booked and asked for permission from relevant structures as per the policies which was granted. And from 16 to 26 March 2022, they held negotiations with the employer, while having lunch time pickets that they applied for through relevant structures. They questioned the rationale for the postponement of graduations by the University.
- o. On 19 April 2022, the VC issued a notice of intention to suspend five shop stewards, two of who were members of Council. The letter, having noted that discipline of a shop steward should not be instituted and/or proceeded with, without first notifying the trade union in writing; further stated that the University is in the process of finalising the Notices of Suspension and Disciplinary

Hearing, which will be served on NEHAWU Regional Office and members of the BOBs in due course.

- p. A Council meeting was scheduled for 19 April 2022 and on the agenda was also the Report on the Cash Advance Payments made to Employees to buy laptops (the Bowmans Report). NEHAWU alleged that the VC informed the meeting that the BOBs must recuse themselves because they were suspended. They believe that the VC suspended them on the day of the meeting in the fear that they would call for her suspension.
- q. According to the formal statements of the University, the NEHAWU protesting members disrupted the graduation ceremonies of 25 March 2022; and 19 April 2022<sup>27</sup>. The scenes described in both statements, is not something that can condoned in an institution of learning.
- r. I find that the relations between the University and NEHAWU has not been healthy; the one described under the previous administration and currently. Previously, Management had abdicated its responsibilities and enabled labour movements and other pressure groups to dictate terms to them, thereby rendering the HR authority over many aspects peripheral. It is acknowledged that the relationship between labour and management tend to be fundamentally adverse in nature. They may get along for periods of time, but then the balance of power shifts and one party takes the conflict route to have an upper hand or improve its position against the other. This is what has been playing out. I am of the view that labour and management should embark upon a relationship building exercise chaired by an independent expert in labour relations and conflict management to confirm and consolidate rules of engagement in the workplace.

#### **4.6 Information and Communication Technology (ICT)**

The MTT Report states that technology is central to UNISA delivering on its mission and its strategic objectives. UNISA needs advanced cyber-infrastructure to be a leader in the ODeL space. Also, UNISA needs systems in place to offer efficient and effective administrative service to hundreds of thousands of students. Staff need to be equipped with the necessary technology to play their part, in either the teaching or learning domain or the research domain. All of these are ICT dependent.

Although not specifically identified in the scope of the independent assessment, the pervasive nature of ICTs as a supporting and enabling tool, especially for a distance e-learning institution of this scale, the substantial level of investment, expenditure and procurement practices in this area, and the

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<sup>27</sup> <https://www.unisa.ac.za/sites/myunisa/default/Announcements/Disruption-experienced-during-Unisa-graduations-and-other-operations>

extent to which institutional risk can be connected to the state of certain ICT capabilities, meant that it was necessary to consider ICT in the context of the scope item in the Independent Assessor's Terms of Reference.

#### **4.6.1 ICT Governance**

The purpose of ICT Governance is to inform and align decision-making for ICT planning, policy and operations in order to meet business objectives, ascertain that risks are managed appropriately and verify that resources are being used responsibly and strategically. The following section briefly looks at ICT governance framework at UNISA.

##### *4.6.1.1 Information and Communication Technology Committee of Council (ICTCoC)*

- a. In accordance with its ToR (approved 2019), and as delegated by Council, the ICTCoC carries out Council's responsibility with regard to Information and Communication Technology (ICT) and information governance. The purpose of the ICTCoC is to advise Council on the development and review of the University's ICT systems and services in support of the core business of the University.
- b. The ToR states that ICTCoC must advise Council from a governance point of view on the University's efforts to integrate teaching and learning with a supportive ICT platform and to maintain ICT systems. In addition, it advises Council on any ICT related risks faced by the University and for executing all functions delegated to it by Council in terms of the Council's approved framework for the delegation of decision-making.
- c. The ICTCoC ToR further states that it is responsible for governance matters related to information technology operations, to:
  - i. be a trusted advisor to the Council on ICT governance, security and performance.
  - ii. ensure alignment of ICT strategy to UNISA's strategic objectives.
  - iii. ensure all identified strategic and operation ICT risks are mitigated by considering the ICT audit coverage plan and recommending to the Audit and Enterprise Risk Management Committee of Council.
  - iv. have oversight on the management of information to ensure that it results in the following:
    - that UNISA's intellectual capital are sustained and protected, and
    - that private and personal information are protected.
  - v. promote an ethical ICT governance culture within UNISA.
  - vi. recommend on ICT investments, considering the annual ICT budget and recommending the budget to the Finance, Investment and Estates Committee of Council.
  - vii. ensure institutional compliance with ICT legislation, rules, codes and standards.
  - viii. perform the duties as delegated or assigned by Council.



- ix. submit regular reports to Council regarding ICT matters within its mandate.
- d. In the 2021 UNISA Annual Report, it is explained that Council is responsible for ICT governance, while Management is responsible for the implementation of an ICT governance framework. It summarises the ICTCoC's roles and responsibilities as follows:
- i. Ensuring the good governance of ICT operations.
  - ii. Performing the duties delegated or assigned by Council.
  - iii. Submitting regular reports to Council regarding ICT matters and operations.
  - iv. Making recommendations to Council on ICT policy issues.
  - v. Monitoring and steering the overall enterprise architecture, which supports and drives ICT in the institution.
- e. The 2021 UNISA Annual Report elaborates on the functional structures related to ICT Governance:
- i. The Department: ICT Governance within the ICT Portfolio is responsible for ensuring proper ICT governance. Matters relating to the Protection of Personal Information Act 4 of 2013 (POPIA) are dealt with through the Directorate: Institutional Information, which falls within the Department of the Deputy Registrar: Governance.
  - ii. The Department of Internal Audit regularly conducts IT audits with the aim of providing independent assurance on the effectiveness of IT internal controls. The Department of the Deputy Registrar: Governance is kept in the loop when the audit reports on IT audits are issued to the responsible stakeholders.
  - iii. In order to ensure the governance of technology and information, Council has delegated its powers to the ICTCoC to specifically provide oversight in the governance of technology and information. This role entails ensuring the good governance of ICT operations, performing the duties delegated or assigned by Council, submitting regular reports to Council regarding ICT matters and operations, making recommendations to Council on ICT policy issues, and monitoring and steering the overall enterprise architecture which supports and drives ICT in the University. The ICT Portfolio reports quarterly on the governance of technology to the ICTCoC while the Department of the Deputy Registrar: Governance reports quarterly to the Risk Sub-Committees of the AERMCoC on matters relating to POPIA.
  - iv. The Directorate of ICT Governance is responsible for cyber security and processes to protect the University against any potential risk.
  - v. The Information Security section within the Directorate of ICT Governance was established to specifically ensure that information within the University is adequately protected. The

Information Security Section is functional, and its day-to-day function is to implement information security measures. The Directorate of Institutional Information is responsible for ensuring day-to-day compliance with the protection of personal information in terms of POPIA.

- vi. The University has a business continuity and disaster plan in place. Business continuity falls within the purview of the Directorate of Enterprise Risk Management while disaster recovery lies within the ICT Department, which is part of the ICT Portfolio.
- f. I was further informed by institutional stakeholders that the previous Chair of the ICTCoC was a member of Council who had no training and experience in ICT for a number of years until his term expired as a member of Council. In my verification of the allegation, I interviewed the former member of Council, who was at the time an employee of the University, and I also perused his CV. He confirmed that he was trained in Psychology, but that he believed he executed his task with distinction. When I asked how he became the Chairperson of such a highly specialised committee without the requisite training, he said the former Chairperson of Council asked him to. It is therefore not surprising why UNISA faced a myriad of challenges on the health of the ICT for such a long time.
- g. UNISA had experienced some instability in terms of the management and leadership of this environment in the past. However, in March 2022, a new VP: ICT and CIO was appointed following a period with an Acting VP: ICT. The new CIO has only been in the position for a short period of time and she reports to have implemented interventions to manage some serious risks in her domain. She developed a new ICT Digitalisation Strategy, that was, together with the related operating model, approved by Council on 28 November 2022. I remain concerned about the role of the VP: ICT and CIO in the initiation of an MoU signed by her and the VC as alluded to in paragraph 4.4.5.2 (b) – (f) which eventually led to an expenditure of R332 million where other qualifying service providers were excluded.

#### 4.6.1.2 *ICT Policies*

- a. Policies and guidelines serve as tools for implementation of strategies and to ensure good governance. I did not conduct a full review of all ICT policies, but reviewed some policies that were referenced in interviews or submissions.
- b. In general, the policies are not consistently structured and formatted. There is a lack of standardization in the policies layout and format. It also seems like a lack of quality control. For example, only the Data Backup and Recovery Policy has a table of contents. Other than the Data Backup and Recovery Policy, the policies do not explicitly reference one another or other relevant policies (e.g. the ICT Security Policy does not reference a Data Classification or similar policy).

- c. The ICT Acceptable Use Policy states that it was approved by Council on 16 September 2020, but there is no date for next review, only includes that the “policy will be reviewed from time to time in consultation with the UBF, in so far as it affects UBF members.” The policy is a broad one, including the typical elements of acceptable conduct and behaviour, and permitted and prohibits uses, which covers the issue of abuse of privilege and the unauthorised transmission of UNISA data. It covers some aspects that one would typically encounter in other policies (such as emergency changes and failover recovery times), and in some instances provides detail that would be better placed in a Procedure or Standard Operating Procedure so as to avoid frequent updates (e.g. list of staff roles qualifying for certain privileges).
- d. ICT Security Policy states that it was approved by Council on 16 September 2020, and the next date of review is September 2023 (thus 3-year cycle) and states that at the time of review it will be done in consultation with the UBF, in so far as it affects UBF members. This policy is in effect a combination of an ICT Security Policy, a Password Policy and an institutional Information Security Policy. This should be reviewed as part of the ICT Security project, and these elements separated. Item 5.2.7 (requiring ICT to ensure the assignment of access privileges) is in conflict with 5.2.2 (which indicates that access privileges to named systems are the responsibility of the relevant department). Additional security should be considered for privileged accounts (e.g. stronger passwords, more frequent changes, or multi factor authentication – MFA). It is recommended that MFA is not mentioned and should be introduced. Incident management should be expanded to include significant responsibilities and accountabilities, as some should reside with ICT and some at Institutional level (although they may be delegated).
- e. The Data Backup and Recovery Policy states that it was last revised and approved by ICT Committee 19 November 2007, revised and approved by Council 10 June 2017. Date of next review: Not specified. The following is stated: “This policy will be implemented, reviewed and updated in accordance with the policy approval and review process described in the Business Continuity Management Policy.”, and “The Data Backup and Recovery Policy will be reviewed and updated on an annual basis or, if circumstances dictate, more frequently.” The policy is very broad and references applicable industry standards but does not provide clarity on items such as frequency of backups or retention periods, nor reference a Data Classification Policy.
- f. The ICT Service Management and Operations Policy states that it was approved by Council on 16 September 2020, but the date on the bottom of the page is still 2019. The next date of review is September 2023 (thus 3-year cycle) and states that at the time of review it will be done in consultation with the UBF, in so far as it affects UBF members. This a broad policy, which references certain ICT services specifically but does not reference a service catalogue. The content of the policy is in places inconsistent with its stated objectives (providing a technical

change management process, and deploying new or changed services), as it deals substantially with tracking and maintenance of physical assets and software licenses and subscriptions.

#### **4.6.2 Current State of ICT at UNISA**

- a. In my many interactions with students and different categories of staff, including management and Executive (Acting Deans), serious ICT challenges were pointed out. Among some of the striking assertions were that their privacy was severely compromised, in that some emails would simply vanish from their inboxes. A senior staff member explained the perception of UNISA's ICT: *...it was a joke in meetings, because we (UNISA) pride ourselves on being online, within reach for anyone, anywhere, yet that very same modality proved to be the Achilles heel for the institution. It did not help that the leadership in ICT had a high turnover. That simply just raised the image that ICT was not performing at the desired level'.*
- b. As a point of departure, I considered the conclusions of the MTT report related to ICT:
  - i. Conclusion 11: The Council approved a strategy that, while credible enough, as far as it goes, does not encompass all aspects of a modern ODeL institution, as elaborated above. It has also failed to prioritise its "focus areas." If attention to the dysfunctional and outdated ICT infrastructure is not the priority, there can be no possibility of implementing the ODeL strategy.
  - ii. Conclusion 17: Council approved the adoption of ODeL and did so in the knowledge that it necessitated a sophisticated digital infrastructure. Infrastructural projects were conceived, and even approved, but not implemented. This can only be construed as an intentional and deliberate failure to implement approved infrastructural projects. In the process, the Council failed to deliver on its basic fiduciary responsibilities with respect to the infrastructures necessary for education delivery, a function vital to the sound functioning of a university. This situation has persisted over several years and is unlikely to change without some drastic intervention. During my independent assessment of UNISA, it was confirmed to me by some members of Council who were part of the decision that approved the strategy, that the implementation of it was simply sabotaged by management, leading to the departure of the former VP responsible for ICT.
  - iii. Conclusion 20: Over several years, UNISA's ICT infrastructure has increasingly become less fit for purpose. ICT management has deliberately frustrated the implementation of its strategic priorities. This is clearly a fundamental dereliction of duty on the part of Council.
  - iv. Conclusion 21: The outdated ICT infrastructure together with the general lack of compliance and culture of impunity identified above, cause the MTT to have serious

misgivings about the security of the information held on the ICT systems and the dangerous opportunities such lack of security presents, all of which compromise the academic project. One such example might be the recent theft of examination papers which resulted in many papers having to be reset and posing even greater burdens on the academic body. The MTT has no evidence that this theft has been investigated. The MTT was told of other serious matters not investigated.

- v. Conclusion 23: The Council has failed to ensure a robust, modern, and secure ICT infrastructure and thereby damaged UNISA's academic standing and administrative competence as a reputable HE institution.
- c. The MTT painted a bleak picture about ICT. However, the Council rebutted some of these findings in its Response to the MTT Report was submitted to the Minister. According to the response:
  - i. The Council approved ICT Master System Plan (Strategy) of 2018 identified the ICT Infrastructure as being reactive and motivated for the enhancement of legacy/current platforms to resolve regulatory and mandatory requirements and maintain expected service levels. This was aimed at stabilizing the ICT environment and "keeping the lights on".
  - ii. The ODeL Enterprise Architecture Blueprint was approved by Council in 2019 also identified gaps in the Technology & Infrastructure As-Is and To-Be architecture reference models. To bridge this gap and transform the ICT Infrastructure, an Infrastructure-as-a-Service (IaaS) project was initiated in May 2021 to modernize the data centers and networks. In terms of progress at the time of the response (April 2022), 42 of 43 sites had been commissioned; and 463 of 596 data & communications hardware installed. The Blueprint recommends a Hybrid ICT Infrastructure On premises /Off premises which would allow the university to scale into the cloud for any additional capacity required particularly during peak periods.
  - iii. To cater for student growth, some services have been unbundled from legacy applications/modules (e.g., MyAdmin and MyModules) and were migrated to the Microsoft Azure cloud. Tender to modernise the ERP systems was awarded in 3rd Quarter 2021. The Moodle LMS was being implemented to replace the SAKAI system and first phase went live at SBL in 2021 and was rolled out to all the colleges in January 2022.
  - iv. Some hardware remains at risk, e.g., the servers that host the Student Information System. This infrastructure was not part of the IaaS project. The firewalls also pose a risk but will be catered for under Managed Cyber security Infrastructure (MCSI) tender.

- v. In mitigation risk on the information security, a Cybersecurity programme was started in 2018 and staff were assigned to manage cybersecurity issues. The ICT Acceptable Use, ICT Security, and ICT Operations policies was approved by Council in November 2020.
- d. To the MTT's assertions that "Infrastructural projects neglected and delayed over the course of several years" and there is "Slow implementation of the technologies that enable online UNISA opportunities"; Council admitted that "Indeed, there has been delays in the transformation of the ICT Infrastructure", which were "due to the revision of ICT strategy to encompass digitization and 4IR. Council further stated that the "IBM servers that host the Student System reached end of life at the end of 2019 and despite escalations to executive management, nothing happened until the end of 2021 when a tender process was started for the replacement of the hardware".
- e. To get a sense of the state of the ICT, I interviewed the former VP: ICT that was in the position from 2018 to 2021, the interim Acting VP: ICT (who was an academic Dean seconded to the position), and the new VP: ICT who was appointed in March 2022, as well as staff in the ICT Portfolio to better understand the UNISA ICT domain. The following sections provide context to some of the ICT challenges at UNISA as highlighted in submissions and interviews with staff.
- f. The ODeL strategy came to life with the appointment of a new VP: ICT in May 2018. She stated that she was excited to bring about digital transformation at UNISA and offer her services "*to a place where it matters, where we build the country's future through education, more than anything*". During a September 2018 Council meeting, the revised ICT Structure, and the new ICT Strategy: Master System Plan were approved.
- g. During my interviews, it was reported on a few occasions, as well as in the MTT Report, that Council and ICTCoC operated for a period of time with very little knowledge, understanding and expertise in the ICT domain. This was even confirmed by the current Char of the ICTCoC. The MTT also reported how "ICT management has been deliberately frustrated in the implementation of its strategic priorities". I was also told how these frustrations were inflicted on Management rendering them unable to implement the approved strategy. I was told how ICT tenders on the appointment of service providers were expected to be tabled before the ICTCoC, something that was not in line with the ToRs of the Committee. One interviewee recalled "*in the time that I was there only one or two tenders went through the ICT Committee. The rest did not see the light of day, they were blocked at SCM, one passed through ICT Committee to be killed at the Finance Committee*".
- h. In essence, it was explained that although due processes were followed to appoint and procure ICT service providers, none of the companies that tendered qualified as they were disqualified

on administrative requirements such as tax clearance certificates. This halted the execution and implementation of the ICT strategy.

- i. Following the departure of the former VP: ICT in 2021, an Executive Dean was appointed as the Acting VP: ICT. He explained, "*In the first week of June, the VC asked me to step in as the Acting VP: ICT. I knew that ICT was the nemesis of the college because of a number of instances where they did not come to the party. I was not given even one sentence of handover. I'm not an ICT person, I am an applied chemist. I took the challenge because I thought that ICT needed leadership and that there would be people to help me with the technical aspects. The challenge was that I could not rely on the people there, because of the perceived corruption that I had been informed about*".
- j. From his perspective, ICT was operating in a silo. He stated that, "*they (IT) saw themselves as technocrats meant to make the university function, but they had no idea about how the teaching and learning or research work at the university*". During his time as Acting VP: ICT he learnt of the challenges with SCM and documents not getting through to the next step. He appointed a consultant to assist him with getting ICT tenders and project approvals through troublesome SCM processes.
- k. From his explanation, it seems that certain decisions were taken, and systems were implemented by the former VP: ICT without the necessary change management or consultation with key stakeholders. He explained, the Learning Management System (Moodle) for example:  
  
*"Things came to a head in June or July, when the UBF called me out of a meeting to say that the examinations would not be happening on this new Moodle system because the user acceptability tests have not been done, and because the users have not been consulted on the new system, and they did not want to risk students doing an exam on a platform that nobody understands. They said that they want to know how this system was procured, and how the choice was actually made"*.
- l. The Acting VP: ICT (June 2021 – February 2022) claimed that he uncovered a lot of decisions that were not "*above board*" and that when he questioned certain contracts and service providers, he was threatened and stated that he was relieved to return to his substantive position because, "*people were not happy with my interference*".
- m. Some students echoed that certain decisions at UNISA were political. When students themselves, questioned the approval and implementation of Moodle, they were told "*no, don't mention that, leave it*". A student leader commented on the Moodle implementation saying that when the system was implemented, they (students) struggled to submit their assignments and even lecturers did not know how to use the system: "*...when it was introduced in January*

*students could not submit their assignments, and even lecturers could not use the system. I don't understand how we transitioned from MyUnisa to MyMoodle without a transitional period, while we were still dealing with supplementary exams and issues of plagiarism, and something called Turnitin..."*

- n. During an interview, a student explained the issues and problems with Moodle as follows:  
*"Number one, how it was introduced. We were not sufficiently engaged, it was imposed on us. It was approved in 2019, and there was no training before it was introduced. A lot of students could not submit their work, it was a mess because there was no training provided, some training was provided during the exams, while students were preparing for their exams. I think that there was no consultation, it was being pushed in a very weird way – it wasn't just students complaining, but also lecturers could not access MyUnisa, and some academics complained that Moodle was not working for them, but somehow Moodle was imposed on us"*
- o. Even with the ICT Strategy approved by Council, one would think that the implementation plan of any new system would be accompanied with full change management, stakeholder engagement and user training. A senior staff member during an interview, confirmed what the students said, and added that even staff were not really consulted in the decision to implement Moodle and not properly trained: *"We did manage to get people from UKZN to train us on using Moodle, to get our study material loaded. It was definitely imposed without consultation. It is a very expensive decision although Moodle is free, it is open source, but they were buying every extra plug-in possible at a cost"*
- p. At this point in time, UNISA had an approved ICT strategy (from 2018) that was somewhat implemented, a lot of frustration from staff and students because of poor stakeholder engagement, poor change management and training, and uncertainties in terms of ICT roles and responsibilities, all of this with known issues related to SCM and the appointment of service providers.
- q. Right then, amid this chaos, the current VP: ICT was appointed in March 2022, and finds herself uncovering the challenges listed above, one by one. The very difficult situation in terms of role clarity, ownership and responsibilities between ICT and Teaching and Learning is highlighted in the excerpt from an email exchange between staff:

*...I did raise the issue with the CIO that the CODEL environment is toxic; I am hoping that the issue will be addressed promptly as it is clear that there is no alignment at the execution levels thus impacting everyone involved. The conversations have certainly deteriorated to positions and ownership rather than delivery and business outcomes, which is the worst position for any team.*



*This is a cry out for amongst other things candid and authentic conversations and decisive leadership, which will lead to clarity of roles and purpose. I believe that everyone has a room to play and contribute to the success of the CODEL programme.*

- r. In her interview with me, the current VP: ICT explained that she experienced the challenges with SCM as alluded to above, when for example, ICT submitted in May 2022 to SCM a Request for Quotation for Managed Print Services because the contract with the current service provider was expiring on the 31 December 2022. In a memorandum to the CIO from a staff member the situation is explained as follows: *Since submitting the RFQ to Finance/SCM in May 2022, there has been a series of unwarranted delays in processing and concluding the RFQ process and appointing the Expert. To date (31 August) after almost 4 months since May 2022, the process is still on, resulting in negative impact on starting the open tender process to find and appoint a new MPS service provider when the current contract with ETG expires on 31 December 2023.*
- s. The CIO stated that she was aware that this position at UNISA would be challenging but had not fully appreciated the scale. In terms of the functional ICT environment, she stated that: *"I found a Learning Management System that is coming from Sakai into Moodle that is unstable. In March we lost over 100 hours of teaching. I found a team that does not manage contracts. Contracts end, there is no consequence management. There is no sense of urgency. I found a team that has lost the ability to care, as long as they get paid at the end of the day".*
- t. Despite these challenges, she prides herself on that she was able to develop a new ICT Digitalisation Strategy, that was, together with the related operating model, approved by Council on 28 November 2022. In her submission, she indicated that she is currently working together with HR on a new ICT organisational structure. During the interview, the VP: ICT was perceived as energised and a stabilising influence, with a clear vision. The senior members of her team, as well as the current Chair of the ICTCoC generally expressed optimism and were positive about her contribution thus far.
- u. The MTT Report state that UNISA Council has failed to ensure a robust, modern, and secure ICT infrastructure and thereby damaged UNISA's academic standing and administrative competence as a reputable HE institution. From my assessment, I would add that the Council also failed to ensure stability in the portfolio. With 3 different persons filling the CIO role in 3 years and Council approving two different strategies within 4 years, the current portfolio is indeed unstable. UNISA ICT's reputation is damaged because of the instability and inability to implement projects successfully. Staff are already despondent, so to successfully implement a new strategy now, would need a lot of stakeholder engagement and change management and effort to get the necessary support from staff and students.

- v. The current Chair of ICTCoC has the requisite skills and knowledge to make a positive contribution. Council and UNISA, must make a concerted effort to focus on ICT and clarify roles and responsibilities between divisions, departments and functions. UNISA must investigate the issues with SCM, as reported under Finance. To implement the new strategy, there must be strong leadership with intense stakeholder engagement and change management efforts, both staff and students need to support the strategy. Without a capable workforce in ICT that is determined to make a positive contribution, all new efforts will unfortunately also fail.

#### **4.6.3 ICT Contract Management**

- a. During interviews with different stakeholders, contract management repeatedly came up as a serious challenge, especially in the ICT environment. This was confirmed by the VP: ICT, who identified lack of contract management skills within the ICT Department, and indicated that some initial measures were taken to address this, including placing explicit accountability at the level of the appropriate Director or ED and providing training to those responsible.
- b. Even with efforts to proactively improve managing the timing of contract reviews or renewals, the lengthy procurement processes and related SCM challenges, result in several contracts reaching a point where they cannot be renewed in time, leading to deviations and contract extensions, often on a month-to-month basis.
- c. This is a management and leadership failure with significant implications for the institution. In an interview with a staff member working in Risk and Compliance, it was explained as follows: *“The firewall contract ended, and we don’t have Turnitin, and there is a concern about infrastructure. The initial submission for that contract was approved by Council, but nothing has happened, despite the high risk that this poses to the institution.... The problem is that nobody takes charge, there is a lack of leadership and urgency in approving things”*.
- d. Below follows only a few examples of contracts that have been poorly managed by UNISA.

##### **4.6.3.1 Turnitin License**

- a. Poor contract management resulted in UNISA losing its Turnitin license because the contract expired. A submission to the Risk Management Committee stated that Turnitin *“is important to safeguard against plagiarism, copyright, integrity and conduct issues. Unavailability of solution will compromise the quality of accredited programmes. This is a material risk which should be avoided at all costs. It will negatively affect UNISA’s reputation, employability of its students in the labour market etc.”*

- b. With the Turnitin contract expired, ManCom had to make an urgent decision to deal with the situation while trying to secure another contract. The interim solution approved by ManCom was that in some instances students could submit their work without Turnitin reports. See below:

Exhibit X: Extracted from ManCom Resolution Register April 2022

5.4.2	<p>Turnitin (anti-plagiarism detection software) challenges</p> <p>On a proposal by ██████████ the Management Committee resolved to approve the following as an interim solution for the first quarter of 2022 (22 January to 31 March 2022):</p> <ol style="list-style-type: none"> <li>1. That honours research project students may submit their work without Turnitin reports (as a once-off) and that academic departments plan to ensure that the work was processed on Turnitin before the marks were released.</li> <li>2. That master's and doctoral students be allowed to submit their research proposals without Turnitin reports (as a once-off) and that the results be released.</li> <li>3. That the NECs sign off on results (once-off) without the complete similarity index Turnitin report.</li> <li>4. That, particularly in cases where students and supervisors had been progressively submitting their chapters to Turnitin throughout the course of the chapter development process, supervisors support their students' intention to submit, with the understanding that they process the rest of their work as soon as Turnitin was available and that the date of submission be extended until 28 February 2022.</li> <li>5. That ██████████ and ██████████ lead the engagement with portfolio managers so that a list of licences to be terminated, the yearly and multiyear licences and the licences to remain in use could be submitted on 1 February 2020.</li> </ol>	<p>Approved</p> <p>List of licences due on 2022-02-01</p> <p>██████████</p>
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- c. During interviews with staff, they expressed their concerns and discontent with the decision. An academic explained:

*"Plagiarism in undergraduate research modules is a big problem, especially since UNISA reckons there is no need to have licenses for programs such as Turnitin. Academics are left to pick up plagiarism manually, which is highly time-consuming. This also means that we do not pick up all cases of plagiarism. UNISA should obtain Turnitin licenses for undergraduate modules to ensure the program's integrity. Ghost-writing is also a huge problem. UNISA is aware that many companies offer solutions to assignments readily available online, but it appears that no action is taken against these parties as this practice continues. This risks the reputation of the institution and the programs it offers".*

- d. According to ICT staff, this Turnitin license contract had to be renewed by the business unit, within Teaching and Learning. Apparently, ICT was historically responsible for all contracts but *"UNISA has since come to the realisation that while everything is IT enabled, business units can also manage their own contracts and software licenses for value added services that enhance teaching and learning. At ManCom, they agreed that business units can and should take responsibility for these things. Where there are contracts for license fees, such as for Turnitin, the process owners should take responsibility"*.
- e. In my opinion, this matter should be further investigated to determine where the responsibility for managing the specific contract lies and then to determine who should be liable for not ensuring that the contract was renewed in time. Whether this is a failure in ICT, or another business unit is not the point, but rather the systemic and institutional failure to ensure contracts are managed and the pervasive culture of no consequence management.

#### 4.6.3.2 *Other Contracts*

- a. It was reported that in terms of Oracle system maintenance, the process to renew the contract was not in place, one month before the expiry date. During my assessment, it was discovered that UNISA was currently receiving cloud hosting services for core systems without a valid contract in place. It was established that this was at least in part due to the responsible ICT Director not having initiated the renewal process in time. The approach to the cloud hosting contract was identified as a contentious area, with SCM recommending contracting directly with the provider, apparently without acknowledging that the contract through a third-party suits UNISA's needs and does not cost more.
- b. ICT contract management appears weak and not effective in ensuring renewals or new appointments are made in time. This is a critical institutional risk, affecting all aspects of its operations. It is inherently indicative of poor leadership, poor management and a lack of accountability that created a carelessness in terms of ensuring operational continuity.
- c. UNISA should audit all existing contracts with service providers and/or suppliers and develop the necessary management information systems to track, monitor and report on contract management. UNISA also needs to establish a central contract management capability that can manage and initiate renewal processes with business owners across the institution. Where contracts have lapsed or expired, it should be investigated by UNISA, and people should be held accountable. Quarterly reports should be provided to the ICTCoC to monitor compliance on contract management, and bi-annually to Council for noting and discussion if necessary.

#### 4.6.4 *Critical ICT Projects*

- a. The MTT Report stated that:

“UNISA has failed to procure the necessary ICT systems to make good on its strategic intent. The current infrastructure is woefully inadequate; there is a general lack of education technology competence, including a lack of ICT expertise on Council. This situation has persisted over several years, with UNISA's ICT infrastructure becoming increasingly obsolete and unfit for purpose. ICT management has been deliberately frustrated in the implementation of its strategic priorities. The result is clearly a fundamental dereliction of duty on the part of Council.

The outdated ICT infrastructure together with the general lack of compliance and culture of impunity identified above, lead the MTT to have serious misgivings about the security of the information held on the ICT systems and the dangerous opportunities such lack of security presents, all of which compromise the academic project.”

- b. The UNISA landscape is relatively complex compared to other higher education institutions, partly because of the scale of the operation, given the staff and student numbers, and partly because of the requirements of distance learning and multiple decentralised campuses. During my assessment, the full ICT landscape was not assessed, however key ICT projects and risks highlighted during interviews, are briefly presented below.

#### 4.6.4.1 Student Information System (SIS)

- a. The SIS is a core system for any higher education institution. UNISA currently runs an in-house developed system that has been in service for several decades. Speaking to the staff working with the SIS it was explained that “*the code has been migrated from a COBOL to a newer generation programming tool (1999)*”, and that the functionality has been incrementally improved but they have a very small team (3 permanent and 2 contractors) to maintain a system of this size and importance. Another issue reported is that the technical components of this system are becoming more difficult to maintain, as support for the hardware required for the application code is no longer readily available, and the development skills are in short supply.
- b. In other words, UNISA’s student information system is managed and maintained by a very small team, supporting an old system that requires certain hardware that is no more readily available or supported and where development skills are scarce. From a risk management perspective, I see this as one of the most critical risks that could potentially threaten all current and historical student data.
- c. Through the assessment, I have been informed about some attempts to replace the SIS, but none have succeeded thus far. Briefly, these included:
- The use of Oracle SCM for Study Materials. The project failed in its first year and UNISA rolled back to the in house developed solution that January (2016)
  - The Tribal system. This was presented to the Executive, reportedly without the involvement or support of ICT. The system went live for study applications in 2019. The processes were very labour intensive and UNISA rolled back to the home-built solution in 2019.
- d. At present, a multi-year process is under way to replace the SIS, with an RFP scheduled for the latter half of 2023, with a phased migration to a replacement starting in 2024. This is a critical project for UNISA that will require involvement and support from a wide cross section of the institution. The Student Study Materials system is currently an in-house system that is still in place and would need to be replaced as part of the SIS project.

#### 4.6.4.2 Learning Management System (LMS)

- a. UNISA migrated from a SAKAI based LMS to the Moodle product. I have referred to this system earlier in the report highlighting implementation problems experienced by staff and students. During some interviews, concerns were raised regarding the implementation partner and the Moodle Service provider. It was said that the appointed service provider is not active in the learning management systems space and had no experience of successfully implementing an LMS before. One staff member stated that:

*"ICT on their own liaised with (the service provider). To be honest, there are some aspects that (the service provider) did not have the competence to address, we had to interact directly with Moodle, although (the service provider) was supposed to adapt Moodle as a learning management system. We brought academics from DUT to help us figure out and understand the system, because (the service provider) could not assist us".*

- b. It was reported that the combination of high volumes and some suboptimal configurations were partly responsible for overspending on cloud hosting during 2022. However, I am not in a position to confirm this. It appears that the system is now more stable, with appreciably lower reported downtimes in the October/November 2022 period compared with the same period in 2021. A senior staff member explained that Moodle is relatively new, but that it is improving:

*"Moving into Moodle in the throes of COVID allowed us to continue providing service to students, and I'm referring to teaching and learning where I am actively involved. In that unfortunate time, we did relatively well, and a large number of students did their exams, and their results were released on time. There were hiccups where the volumes overtook the system, people had not anticipated that if you have 40 000 students writing an exam, the system could collapse. Once we had overcome that, the system was able to deal with the student numbers in a way that represented a significant improvement over the past".*

#### 4.6.5 Cyber Security

- a. Cyber security is probably on the critical risk register of any modern organisation. Institutional and private information is a commodity and worth tons of money. Earlier in the report, I referred to the protection of student data, which is related to this point. From an ICT point of view, it is reported that UNISA is particularly vulnerable in the sense that their firewall technology is at the end of its life and has been unsupported since 2020. During the interview, a senior staff member responded to the question on system security risks saying: *"I would say cyber security is the major risk. We have ageing infrastructure, we understand that, but there are penetrations of the system and we say you cannot close the bucket if you don't know where it is leaking. With the service provider who will be appointed, there is hope that it would be addressed".*

- b. Another staff member informed me that both KPMG and Deloitte conducted system audits three years ago, and to date only some recommendations have been addressed. The person emphasised that “*the firewalls collapsed because they were old, and the cyber security contract must be updated – Council has approved it, but it has not been implemented, because ICT says that the contract is still with Legal, and Legal says that no, it is with ICT. The urgency of this is not considered*”.
- c. In the interview with the VP:ICT she indicated that they are in the process of mitigating the risk by changing authentication processes, but this goes hand in hand with the replacement of the firewalls. She confirmed that a multi-year cyber project was approved by Council in June 2022, but at the time of the assessment there was still no implementation.
- d. An external review of UNISA's information system processing environment, looking specifically at IT general controls and application controls, commenced in May 2022. The review assessed the IT environment and identified risks arising from IT systems. Although the report was still in draft format, and not yet finalised, the report aligns and supports the information I obtained through interviews and submissions from staff about system security, explaining:
- i. Cyber security controls require urgent improvement because of ageing infrastructure (firewalls) that is no longer supported by the vendor. Because of the ageing infrastructure, penetration testing has not been performed in the environment during the past 12 months.
  - ii. Data Loss Prevention controls are in their infancy stages and there are no formal tools/methods for collating and gathering intelligence from the various logs in the environment.
  - iii. An IT Service Continuity Plan is in place, but not fully implemented or tested.
  - iv. The general conclusion is that UNISA may not be able to recover timeously in the event of a major cyber security incident.
- e. The 2021 UNISA Annual Report, under Governance of Technology (page 17) provides quite an accurate summary of the current state of ICT at UNISA:

*As already highlighted, UNISA faced various ICT challenges in 2021. **There were delays in commencing certain ICT initiatives** that were required to kick-start key ODeL projects. For example, the institution was meant to appoint the new Student Information System (SIS) strategic partner in 2021 to commence with implementation in 2022. The University did not, however, start the **procurement process on time and failed to appoint a strategic partner** for this project.*

*There were also challenges with **protracted Supply Chain Management (SCM) processes to procure strategic partners to implement ODeL solutions**, such as the Smart Campus solution. The ICT and SCM Portfolios are meeting regularly to ensure speedy resolution of the SCM requirements and Management has implemented new controls to reduce the delays during the approval process.*

- f. UNISA's SIS is running on outdated infrastructure that is not readily available or supported anymore. ICT infrastructure had become obsolete deeming UNISA systems not fit for purpose. In terms of the LMS, although it aligned with the ODeL strategy, there are some concerns still related to the support of the system and adequate user training. UNISA has a history of poor system implementation, and need to ensure that this LMS is successful. Cyber security is a major institutional risk that needs urgent attention. There are serious system and data breaches reported due to a lack of security and collapsed firewalls.
- g. It would be important for UNISA to urgently upgrade the SIS as the current outdated system poses business continuity risks. UNISA also needs to ensure that the necessary internal resources and support are available to assist students and staff with LMS problems. Given that it is unlikely that UNISA will recover timeously in the event of a major cyber security incident, it must be a critical priority to upgrade and secure all the systems. UNISA must create an environment that supports ICT initiatives and at this point in time actually give priority to the key projects to ensure business continuity.



## 4.7 Other Matters

The terms of reference required that I investigate any other 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. In this section I discuss matters such as stakeholders and interest groups at UNISA, professorships, the office of the ombuds, leakages of documents etc.

### 4.7.1 The Black Forum (BF)

- a. During my early days at UNISA as I was meeting statutory structures, I received a message through my support team from one of the senior officials assigned to assist us with a soft landing, that the members of the Black Forum and other Forums (Women's Forum and Disability Forum) were threatening to disrupt the assessment process if I was not going to meet them. I was simply taken aback by that kind of unprovoked confrontation that came out of nowhere.
- b. I saw them as a group and was further puzzled by their deafening silence in the meeting. For groups that showed militancy, I was expecting a bit more than simply sitting there and not engaging at all.
- c. Fast forward to the interviews with various individuals and stakeholders, I received another threat and accusations of having seen a particular faction that was 'not recognised' by them as the authentic BF. It was at that stage that it came to my attention that they were factionalized. Part of the statement said:

*"Black Forum UNISA has noted that the Assessor has met with members and representatives of all statutory and other key structures of the University. Black Forum UNISA through its leadership believes that these meetings also included meeting with other illegitimate structures and leadership that is not recognized in the Institution and thereby carry no mandate from its members. This includes the so-called Black-Forum South Africa, which is a registered Non-Profit-Organisation with no legal relevance, mandate or any basis to participate/intervene in the University processes. This has the serious effect of comprising the integrity of the assessment process as it entails that any formation/structures external to the University including other NPOs and political parties are University stakeholders and thereby invited to participate in the assessment process, despite the absence of any formal recognition by the University".*

- d. I had an opportunity to gain insights from some of the academics who started the BF at UNISA. Some are retired, and a few are remaining who completely dissociated themselves with the current BF at UNISA.

*“... We worked tirelessly to focus on transformation and change in the university... One is steeped in the process of transformation in a direct sense, at the coalface. I must mention that there is an organisation in UNISA, the Black Forum, that I know currently is not enjoying that kind of support that we enjoyed at the time, save to say that they are maybe not as steeped in the focus that we had at the time, which was to build scholarship. We wanted to see black excellence – people who wanted to present themselves for promotion would come to us and we would critique what people did, saying if they were not up to scratch, to get lost. We had white people as part of the group, we were not a union, we just debated academic issues. I used to be invited to all faculties to talk about what it was that worried us as black people. People were surprised that I could converse in Afrikaans, and I said that we would not be appointed here if we could not, we lectured in both Afrikaans and English. It was an advantage for us as black folks that we could converse in both languages, because sometimes people would just switch to Afrikaans in meetings. Over the years, as I become part of management, I remember the Minister asking me what the Black Forum was, and he said that he did not think it was still operating in the same way, as an organisation focusing on black academic excellence and leadership. This is an environment of scholarship and people should have the opportunity to grow. There should be that kind of grounding”.*

- e. It is also important to report that I heard for the first time from students about the manner in which the BF was ‘running the College of Law’ and having undue influence in the appointment of black staff members into positions they hardly qualified for, or promotions into professorships. A senior female African academic said,

*“The Black Forum when it was revived became very active in the College of Law, followed by the College of Accounting. That is probably where the special dispensation for professorial appointments came from. White people are fairly uncomfortable, and often don’t want black people to refer to the past. I think that what is happening here is what is happening in the country – the experiences are almost the same. There are white people who are comfortable to be here, and there are those who are not. I try to treat everybody as an employee of the College, and not as a person of a specific race. I’m trying to respect people”.*

- f. In my many interactions with staff of all ranks I was informed of many instances in which staff was ill-treated by BF members; how some refused to perform their duties because they knew they would be protected by the BF. What was peculiar was the high number of black academics who cited examples of how badly they were treated by the BF. Among the many submissions and interviews I conducted, not only white members of staff shared unpleasant experiences with the BF. A senior African professor expressed her frustration as follows:

*“Yes, they have been enabled, and the unions as well, which created an environment of victimisation where people will receive emails or calls in which they were threatened, and it*

*resulted in people stepping back and doing the bare minimum. The problem is also that HR is not doing anything about the issues that have been identified – bullying is at its peak in the institution. I have had to deal with it and I'm glad that we are doing more things online because it is somewhat easier to deal with bullies if you don't see them face to face. The bullying and victimisation has been part of our culture for a long time.*

*There are people reaching retirement age who feel that they are entitled to continue, so I had to develop guidelines for the process, so that it was not an automatic process. We want the younger ones to develop, and not to be blocked by these people who have retired. If the College feels there is a need, they could get these people back on fixed-term contracts. There are all these things against policy that people have become used to that we have to change, because the people at the top do not appear to care about policy.”*

- g. In my interview with the Head of the Law Clinic, who is also the President of the BF on what he believed were the challenges faced by the College of Law, he indicated that,

*“... There are people being held back academically and professionally. Then we said, if you are doing this or that, you will be discarded, and I should join a union to protect me. I realised that unions also have limitations, but that there was an organisation called the Black Forum, established by previous professors. I wrote to the university to resuscitate the Black Forum to address issues like salary discrepancies, and to advance black people.*

*We also said that we should check the policies of the university, because many of them have been unamended for many years. There were policies saying that professors could work from home, but there are also managers struggling to get professors to publish and perform, yet they were running their factories and businesses or farms while being employed at UNISA”.*

- h. It further came to my attention from this interview that the membership of the BF is no longer for academics per se, but other categories of staff at UNISA.

*“ We have 265, and it recently increased to 343, even though we increased the membership fee. The initial membership fee was R 30. The current official membership fee varies for different post levels – initially there was a R 199 fee for all, but after the security guards and cleaners complained, so we reduced it for them to R 75. There is a different category who pays R 99, and there is a level from P1 to P8 who pays R 199.*

*The Black Forum wants to address issues of fairness and accountability in various professions, including the accounting profession. We are still very new at the national level – we have been invited to UFS and UCT”.*

- i. One of the accounts from a senior academic was, “... *To be honest, I am first and foremost a researcher, I ended up in management by default. I have been trying to go back to teaching and my books, but it hasn't happened. Responding to your question, sometimes we step wrongly. My first week at UNISA I was visited by people who said that they lobbied for me, and they wanted to let me know that I was there by their intervention. I was furious, because it was my 23rd year in higher education and I thought I was here because of my credentials and not because a group lobbied for me. A few weeks later, I was told that there is a strategy that I should approve, and I said no, this strategy does not speak to what we are supposed to do. That is where things fell apart for me...*

*At one point, I was invited for a meeting with who I thought was my boss at the time, and I came to the Senate Chamber to be met by the previous Chair of Council, and about 14 Black Forum members. The HR Director was there, among others. It was one of the things that stuck in my mind – it was one and a half hours of being bullied, barely three months into my job. I was asking questions about how this was happening, trying to understand what was going on, and I was told that I refuted that a certain group had brought me here, which I refused to accept. That was the start of my hell, and of course over time... I was removed overnight from overseeing the College of Law. I have all the records.*

*Coming back to your question – with all of that... one of the things that happened was that in the course of these visits by the Black Forum, at one time I was told that I would never be VC. I thought it does connect at a particular time, but I am a researcher, things have to be evidence based'.*

- j. The BF was resuscitated from 2018 at UNISA. Since membership fees were collected, I requested for the financial statements of the Forum so I could assess their finances, but also verify the claims made by some staff members that their membership fees are deducted, and they do not know what their monies are used for. I requested for the AFS numerous times from the leader of the BF and they were not forthcoming since our interview on 29 November 2022.
- k. I requested for the financials from the Finance Department. Only a spreadsheet of all deductions from employee salaries for the BF from Payroll was sent to me, with further information that Finance transfers the money into an account provided by the BF, and they have no further interaction after that. Further the membership fees and utilization does not form part of the university audit. I therefore do not have that information, nor the annual report to members on the activities of the BF and the financial reports for the years since 2018 since it was revived.
- l. In my letter dated 25 January 2023 to the Chairperson of Council and copied to the VC, in which I was drawing his attention to the unacceptable conduct of intimidation of my support staff by

the President of the BF, I further drew his attention to the fact that I had been waiting for the financial statements of the BF in vain for a while.

- m. I have learned that not much happens by coincidence at UNISA. On 9 March 2023 I had my meeting with the EXCO of Council to thank the institution for the support they had me and my team, but also to inform them of my departure from UNISA since the period of my appointment would be coming to an end and I would be submitting my Report to the Minister.
- n. It was odd that the following morning I received a number of emails on the Black Forum. The first was from the VP: Finance attaching a spreadsheet Project Report for the Black Forum RC Code; and an email containing their internal communication following a request by the BF President to the CFO for Finance to “provide a record of how much money is left in Black Forum RC Code”. The second email was from the BF President sending me the same spreadsheet with an apology for “having delayed to send the report”. The third was an internal communication of letters of a cancellation of membership of four members who are part of the BF faction. The fact is that the spreadsheet that was sent was not the financial statements of the BF I asked for. I simply requested to know how the monies were utilized over the years.
- o. In my concluding interview with the VC, I asked her what her understanding of the BF was at the institution. In my view, her response provided hope that the tension that exists within the University could be eased over time, except that she may not be aware that it now comprises members other than academics. Her response was,

*“I don’t understand the Black Forum as a quasi-union, but as a community of academics who had the objective of ensuring transformation in the university. I must be clear that I don’t understand the current Black Forum, because the notions of scholarly engagement with the knowledge communities and opportunities for exposure in the country and outside is not clear. I want to say that the Black Forum that I found I couldn’t understand, and I am still trying to understand. I found a university where the loudest voices were listened to, whether in NEHAWU, the academy and in the Black Forum. Chinua Achebe writes that when communities are infiltrated by those whose ideas do not converge with the groundings and foundations of the community, they are overtaken by the loudest and more active agitators. The Human Rights Commission visited UNISA around 2017/18 and found that there was a culture of machismo, bullying and noise, a culture of who speaks the loudest and insults the most had become institutionalised. I raised this as critical concerns in my engagements with NEHAWU, because this culture had become institutionalised and normalised. If people say that they look to the Black Forum I question that. The College of Accounting Sciences did not have a relationship with SAICA when I arrived at UNISA, it was slated as being a white structure that disadvantaged UNISA students. People were saying that the Black Forum would fight the cause. I said no, that would disadvantage the academic project. I*

*said it is not your role or mandate, it is a management issue that we will resolve through Senate. The boundaries have to be stated and I am not uncomfortable to say when people are overstepping their responsibilities. I have even said in Council that this is a management matter, it is not a Council prerogative. Where I felt that structures usurped other responsibilities and roles, I have said so”.*

#### **4.7.2 The Thabo Mbeki Foundation**

- a. The Thabo Mbeki (TM) Foundation is dedicated to African Renaissance. There is a longstanding relationship with UNISA in one way or the other since 2010 when Prof B Pityana was the VC. In the meeting with the TM Foundation, it said,

*“ We are talking as an outside stakeholder in UNISA. There are three pillars to the relationship with UNISA. The first is the Leadership Institute, which has morphed into the Thabo Mbeki African School for Public and International Affairs led by Prof Vil Nkomo. The second programme at UNISA is the Road to Democracy project, which fell under the Southern African Democratic Education Trust. The third is the Thabo Mbeki Presidential Library, which is a flagship programme of the Foundation. These are important projects not only for us, but for the continent. We have now moved from the Leadership Institute into a Graduate School and extended our academic programmes beyond SLPs to include postgraduate programmes. We are in the process of having these programmes accredited by the relevant bodies”.*

- b. In my interaction with the former VC, Prof Makhanya he indicated that he worked in this space since he was Pro Vice Chancellor, and among some of statements he made, was:

*“ You know, we established the Thabo Mbeki African Leadership Institute in 2010, when Prof Pityana’s term was coming to an end. I was literally driving this project as the Pro Vice Chancellor, and it started operating in 2011. We already had that institute called IDRA, and during the course of my first term I then established the School of Governance largely as an entity to address the areas of our own local government on governance and ethics – we had a very clearcut agenda for that. These entities were existing and when the Thabo Mbeki Governance Institute was established we needed to move away from the institute and establish a School which could operate at a higher level. As we were scanning the space, we indicated that it would be foolhardy for us to establish a school and leave these other entities that have similar interests, and that is why we thought to combine them into one entity. I pursued discussions with those entities saying what we intended, to avoid any controversy. It happened at the time when I finalised arrangements for the establishment of the School in the second semester of 2020, and Council approved it. I was also retiring at the same time, so I could not oversee the process to the end. I don’t know about the tensions that arose, but the logic was clear. I would have sat down with*

*those members of staff directly if I were here. I always thought that the school would exist with sections dealing with governance, dispute resolution, and a section dealing with African renaissance. I did not assume that it would happen automatically, but that I would help people to understand – any transition that is not managed properly leads to confusion and crisis, which is unnecessary. You spoke about the relationship as well – I had a good working relationship with the TM Foundation, because in establishing the Institute, we were working closely together – we could not establish a school without engaging with the Foundation and President Mbeki to make it clear how the process would unfold. It worked well at the time – we had what is a governance arm between ourselves and the Foundation, meeting on a quarterly basis. I don't know how the relationship has changed, but it was a cordial one."*

- c. It was clear from the discussions with the TM Foundation, that the working relationship with UNISA currently is fragile, and almost non-functional since there have not been meetings or engagements. It was reported that every time they are supposed to meet, meetings are cancelled at short notice, including once in the afternoon of the day before a meeting was scheduled to take place:

*"We feel it is necessary to reflect on our relationship with UNISA. The relationship is meant to be through the Foundation and the Council of the University, which has three working streams for each of the three pillars. Those working streams report directly to the Board, but the person coordinating the working streams would have been a DVC to manage the relationship between the Foundation and the University. Unfortunately, our last meeting with anybody in the University was in September 2021, and we have not been advised why our last Board meeting did not take place. We were meant to meet on the Tuesday, but it was cancelled around 15:00 on the Monday, and this has happened previously with three other meetings".*

- d. There were several areas of serious concern to the Foundation, and they felt disparaged by UNISA since the previous VC and the assigned VP then, left the University. Attempts to engage the current VC appear not to be working. The Foundation said,

*"Let me start with the School. The idea which brought Prof Vil Nkomo here was to have an academic programme that is actually experiential. President Mbeki and ourselves are working a lot on the continent, whether it is on conflict or development issues, or partnership. We just returned from Oman where we spent a few weeks, and the relationship between ourselves and Oman focuses on various issues like water, development, etc., because we think that the school can do a lot of valuable work in these areas. We have also been working in the horn of Africa, in countries like Ethiopia, and we feel that there are opportunities to develop a scholarship of leadership and negotiation, but also to promote the extensive work that the AU has done in all spheres of life, ranging from governance to technological development. I listened to the Egypt*

*meeting, and I realised that many of the things they discussed have been addressed in the work of the AU, but that we need to find a way to take ownership of that knowledge. The absence of strategic conversation or even interest from UNISA makes it impossible for us to proceed in the fashion that we would like”.*

- e. I asked the VC what her view was with regards to the reported relationship issues with the TM Foundation and their inaccessibility to the VC and the library material, to which she said:

*“It is not as optimal as it could be. What did not work was when I joined there were some joint projects that the university and the Foundation took decisions on in 2014 such as the library and the digitisation of material. When I joined, it seemed that the matters presented had been presented previously, but they were presented as new. There was a posture of distance which was not the posture that the patron adopted. When Committee Services scheduled the year’s meetings, they missed out the meetings that we had scheduled, and I thought they were cancelling meetings while they were not informed in time. I followed with the Committee Officer who said that there was no agenda presented, so she thought the meetings were not meant to go ahead.*

*When the new Chair of the Foundation took over there were also handover issues in their transition. When the librarian went to Wits University, there were also handover matters which we promised which had not been delivered. Those are the matters I followed through. Despite those issues, I have a good relationship with the President and Ms Mbeki and some of the people in the foundation, but there is a gap in the implementation which impacted on the foundation and the TM Leadership School, mostly because of the relationship with the CEO of the Foundation. I also learnt that they were offering only short learning programmes, and I found that there were no accreditation processes in place for the qualifications to be offered...*

*I did not realise that there was no access for the library to the Foundation. I think the Library staff felt that they were dealing with people who did not understand the actual importance of the materials, I think it was a professional disjuncture and I have appealed to all of them to work with one another”.*

- f. It is recommended that UNISA and the TM Foundation find each other to honour their Memorandum of Understanding, and more importantly make the desired contribution to the development of the continent in pursuit of the African Renaissance agenda of both organisations.



#### 4.7.2.1 *The Thabo Mbeki School of Public and International Affairs*

- a. I was appraised of the existence of the TM School and further that it belonged to UNISA. There is a link to 4.7.2 above as enunciated by the TM Foundation. The Director of the TM School, when I asked him about the relationships, said:

*“The Thabo Mbeki African School of Public and International Affairs belongs to UNISA, and President Mbeki is the patron of the School. When I arrived in UNISA, I found this relationship between the School and the Foundation, and I decided to implement joint meetings to ensure that all the parties are moving in the same direction. The TM Foundation has a CEO, and the Board has a Chair, and there is a strong tie between the two. Without the TM Foundation supporting the School, the University will be in a difficult position to keep the School going. If you look at the history of institutes that belonged to the University, they could not evolve beyond their initial conceptualisation. That relationship remains critical. In a nutshell, the School belongs to UNISA”.*

- b. Further to this, UNISA took a decision to incorporate other entities within UNISA that existed before the approval of the School. I was further informed that, “... In November 2019, Council took a resolution to merge three schools operating on different campuses into one entity, the Thabo Mbeki African School of Public and International Affairs”. This is confirmed in the 2021 Annual Report which states that “The establishment of the TM-School was approved by Council in 2019 (merging the former Thabo Mbeki Leadership Institute (TMALI), the Institute for Dispute Resolution in Africa (IDRA), the School of Governance (SoG) and the Institute of African Renaissance Studies (IARS)). The TM-School was launched virtually in September 2020”.
- c. What appears to be a serious challenge are the channels of communication between HR, the TM School about the future of some employees. According to some staff members, there is no communication with them even though there are strategic discussions taking place about the School. Staff members are paid every month and have no meaningful work to do as a result of the failure by the University to implement the decision of Council.
- d. When I enquired about the source of the TM School’s budget, I was informed that UNISA allocates the budget. I specifically asked about the model used to fund the TM School, since we understand how Colleges and other divisions of the University are funded. The response was the following:

*“There are two kinds of budgets. The last budget is the one I have which was a couple of months ago. At the inception of the School we had a budget of around R 43 million.... The university contributed that amount. There is another budget, which was supposed to finance the human capital of the school, consolidating the budgets which had been used by IDRA, TMALI, and the*

*African Renaissance Institute. Finance was supposed to have consolidated these budgets and provided it to HR to facilitate these processes.”*

*We went to a meeting to start the process of recruiting academics and managed to get 8 of them. We were told that there was a budget that HR was using to finance the recruitment and payment of these individuals. We went on with the business, and a few months ago we heard that there was a deficit in the HR budget of the TM School, and we were shocked, we had no idea how this was possible. My view is that the institution is slow to transition to the next level – it is difficult for the institution to consolidate budgets, solve HR issues, etc. You need to have decisive people, and if you don't, the pain and suffering is prolonged. The slowness of the institution is an issue”.*

- e. Listening to the side of the Director of the TM School it was clear that UNISA is dropping the ball in a number of instances such as leaving staff in limbo and a careless attitude towards the School. I am of the opinion that there is no doctrine of common dialogues. Functional and effective institutions need this kind of dialogue. My observation, based on other institutions that I have worked at, is that if there is no alignment between the different layers in the institution and support of the overall vision, you will have a dysfunctional institution.
- f. Without going into the merits or demerits of the HR and staff issues at the TM School of Public and International Affairs, UNISA, together with the TM Foundation should ensure that the programmes offered by the School are accredited, that staff and the appropriate structure and facilities are in place so that the School can generate income and does not need to be cross subsidised by the Colleges who have their own challenges and limitations in terms of budget allocations.

#### **4.7.3 Professorship Criteria at UNISA**

- a. I received numerous allegations about different criteria for professorship at UNISA in line with employment equity targets. Some related complaints were from academics who felt genuinely concerned that the quality and standard of teaching, has been dropping since the ‘special dispensation for professorships’ was granted to certain Colleges. I further learned that this was mainly implemented for the College of Law and the College of Accounting Sciences, but it appeared to have been extended to the GSBL.
- b. I questioned senior academics on this matter during our interviews. One senior academic responded that:

*“We moved from a requirement that applied to the whole university - to each college having the opportunity to adapt their requirements to meet their purposes. In certain colleges the requirements were then lowered to a level where they were able to appoint people to professor positions so that from an EE perspective, it would look good, and I think that was part of the*

*challenge – the criteria are not consistently applied. ....the colleges took over the process, and Senex approved the requirements. I noticed that every year there is more leniency in the requirements, and at this stage I think the person must have published three papers, from their PhD with their supervisor, a doctorate, and in terms of teaching and learning they must have been teaching for three years, and some community engagement. I would say that the requirements for an independent, established researcher are not being met in all cases. I think **that our professorships and our NRF ratings do not match** – we have increased the number of Associate Professors and Professors, but our NRF ratings have plateaued, and that tells you that something is not working. **We have had situations where professors tell us that they need mentors, and one would say, hang on, you should be mentoring, you cannot be asking for a mentor.** We have a situation where what would be sufficient for a senior lecturer is now acceptable for a professor – we don't look at citations and impact factors, and we seem to have reduced requirements to the absolute minimum to benefit the most people.”*

- c. I requested from UNISA the official number of professors, their academic levels and NRF ratings per college. The breakdown is presented below, per college. It is notable and concerning that UNISA does not have any A-rated scientists. The Colleges of Human Sciences (CHS) and of Science, Engineering and Technology (CSET) have 51 and 44 NRF-rated scholars, respectively, with these being mostly C-rated and some B-rated scholars. The College of Law experienced a steep and steady decline in the number of NRF-rated scholars, from 24 in 2018 to only 7 in 2022. The College of Accounting Sciences has only 3 C-rated scholars and the College of Education has 8 NRF-rated scholars. The College of Graduate Studies also experienced a sharp decline in NRF-rated scholars since 2018 with 20 scholars to only one (1) C-rated scholar in 2022. This overall trend of decreasing numbers of NRF-rated scholars, are very concerning.
- d. Taking cognisance of the fact that NRF-ratings are based on research and academic output and having noted the number of NRF-rated scholars declined over the last couple of years, the simultaneous increase in the number of professors in some colleges, are concerning as this may be indicative of awarding professorships without requiring clear academic outputs (as was argued above with the special dispensation for professorships). The GSBL has 22 academic staff, a total of 24 professors in all categories and what appears to have been an abnormal surge of adjunct professors from zero (0) in 2018, to 4 in 2021 and 11 in 2022. The CSET also had an increase in the number of full professors quite significantly the last two years, from 35 in 2020 to 45 in 2021 to 53 in 2022.
- e. Another trend that cannot be overlooked is the overall decrease in the number of professors at some of the colleges. The College of Law had 95 professors (at different levels) in 2018 and only

77 professors in 2022. This high level of attrition is very concerning and could be indicative of underlying issues and problems within the College. I have elsewhere in this report referred this.

College of Agriculture and Environmental Sciences (CAES)					
	2018	2019	2020	2021	2022
Academic Staff	125	140	137	136	142
Full Professors	13	13	12	18	19
Associate Professors	19	18	19	16	19
Adjunct Professors					
NRF-Rated (Permanent)	10	11	13	14	14
A-Rated					
B-Rated					
C-Rated	5	6	7	9	9
P-Rated					
Y-Rated	5	5	6	5	5
NRF-Rated (FTC & IC)	2	1	1	0	1
SARChI Chairs					

College of Accounting Sciences (CAS)					
	2018	2019	2020	2021	2022
Academic Staff	188	183	193	183	173
Full Professors	9	9	10	8	8
Associate Professors	16	14	14	11	9
Adjunct Professors					
NRF-Rated (Permanent)	2	2	2	2	3
A-Rated					
B-Rated					
C-Rated	2	2	2	2	3
P-Rated					
Y-Rated					
NRF-Rated (FTC & IC)			2	1	2
SARChI Chairs					

College of Economic and Management Sciences					
	2018	2019	2020	2021	2022
Academic Staff	334	328	323	329	322
Full Professors	45	38	37	46	46
Associate Professors	46	53	53	45	44
Adjunct Professors					
NRF-Rated (Permanent)	13	14	14	13	15
A-Rated					
B-Rated	1	1	1	1	2
C-Rated	10	11	11	11	12
P-Rated					
Y-Rated	2	2	2	1	1
NRF-Rated (FTC & IC)	3	2	3	3	2
SARChI Chairs					

College of Education (CE)					
	2018	2019	2020	2021	2022
Academic Staff	172	197	190	177	210
Full Professors	40	43	40	45	42
Associate Professors	32	28	28	27	29
Adjunct Professors				5	5
NRF-Rated (Permanent)	4	3	5	6	8
A-Rated					
B-Rated				1	1
C-Rated	4	3	5	5	6
P-Rated					
Y-Rated					1
NRF-Rated (FTC & IC)	5	8	8	5	5
SARChI Chairs					

College of Human Sciences (CHS)					
	2018	2019	2020	2021	2022
Academic Staff	489	483	463	462	465
Full Professors	94	89	85	94	98
Associate Professors	74	81	78	63	67
Adjunct Professors					
NRF-Rated (Permanent)	56	55	59	54	51
A-Rated					
B-Rated	4	4	6	5	3
C-Rated	40	40	41	38	36
P-Rated					
Y-Rated	12	11	12	11	12
NRF-Rated (FTC & IC)	6	10	8	14	18
SARChI Chairs					

College of Law (CLAW)					
	2018	2019	2020	2021	2022
Academic Staff	216	208	195	196	192
Full Professors	43	41	36	34	33
Associate Professors	39	43	39	41	38
Adjunct Professors	13	6	11	6	6
NRF-Rated (Permanent)	24	19	15	8	7
A-Rated					
B-Rated	1	1	1		
C-Rated	17	14	11	8	7
P-Rated					
Y-Rated	6	4	3		
NRF-Rated (FTC & IC)	4	4	4	3	2
SARChI Chairs	1	1			

College of Science, Engineering & Technology (CSET)					
	2018	2019	2020	2021	2022
Academic Staff	204	210	223	241	232
Full Professors	32	34	35	45	53
Associate Professors	35	43	45	41	39
Adjunct Professors					
NRF-Rated (Permanent)	36	39	45	43	44
A-Rated					
B-Rated	3	3	3	3	3
C-Rated	24	27	32	29	33
P-Rated					
Y-Rated	9	9	10	11	8
NRF-Rated (FTC & IC)	8	8	12	8	10
SARChI Chairs	1	1	1	1	1

College of Graduate Studies (CGS)					
	2018	2019	2020	2021	2022
Academic Staff	18	16			
Full Professors	11	10			
Associate Professors	6	5			
Adjunct Professors					
NRF-Rated (Permanent)	20	14	2	1	1
A-Rated					
B-Rated	4	3			
C-Rated	15	11	2	1	1
P-Rated					
Y-Rated	1				
NRF-Rated (FTC & IC)	1	2	2	1	2
SARChI Chairs	2	1	1	1	1

Graduate School of Business and Leadership (GSBL)					
	2018	2019	2020	2021	2022
Academic Staff	28	27	26	24	22
Full Professors	13	12	11	10	8
Associate Professors	5	6	6	5	5
Adjunct Professors				4	11
NRF-Rated (Permanent)	5	5	6	5	4
A-Rated					
B-Rated	1	1	1	1	
C-Rated	4	4	5	4	4
P-Rated					
Y-Rated					
NRF-Rated (FTC & IC)					1
SARChI Chairs		1			

- f. In another interview, I further learned there are serious consequences in Colleges, because it is so very easy to become a professor at UNISA:
- “... I know. UNISA became strongly unionised about 8 years ago, and there is the Black Forum pushing the agenda of blackness – I was a founder of it way back when, when it was needed for transformation, but it must now come to an end because there are blacks in all the positions in the university. We are now dealing with professors who cannot write, teach, research – they cannot do the work of a professor. There are professors coming to my office to ask for money to go to a conference; they (unions and Black Forum) lowered the requirements for promotion, and now we have loads of people who cannot function at the professorial level. You can also not require them to be orientated now, because you will mess them up. The intervention that was intended to transform the institution has come back to bite us in the back, big time”.*
- g. There is no doubt that UNISA has scholars of note in their respective fields of specialisations, who are thought leaders in our society, the continent and the world, and that have contributed immensely to knowledge production and innovation in our higher education system. The reality of UNISA is that these outstanding individuals are lumped together with those who were enabled by different criteria which is reportedly part of a transformation agenda that seeks to correct the past wrongs of the Apartheid system. In my view this leads to the new wrong under a democratic dispensation. While the status of the beneficiaries of this “special dispensation for professorships” may be somewhat elevated in the eyes of others, it becomes a serious injustice to a student who is expecting quality education from a reputable university.
- h. UNISA must focus on creating an institution that is broadly representative in terms of colour, gender, and age; while maintaining quality. If an institution wants to excel, it needs to go for the best candidates, and not discriminate on the basis of race, gender, or age. Universities in general have a large proportion of aging workforce, and eventually staff must retire at a certain age, but one must find ways to ensure that capacity is retained, and skills are transferred where necessary.
- i. Still on the subject of professorships, I received a representation from a group of concerned staff members in the GSBL. It had a string of allegations about corruption in a number of areas, among which was an award of a full professorship title to a prominent media personality, who they alleged made statements like, *“I went to UNISA to conduct an interview with the Dean about a magazine, and I left the meeting as a professor”, ... “I was offered a Deputy Director position ...”,* etc. they further provided details of the person’s monthly payment. Among other allegations, was that he was given a job that full time staff members were appointed to do, and at some point, he issued warnings to full time staff, whereas he was a freelancer at the GSBL. They viewed this as a transgression of UNISA’s employment policies. His specific professorship does not carry any teaching or research load. Staff indicated that they have written to the VC and did not get a

response since August 2022, and that they complained about the Dean at the responsible VP who also did not address their concerns.

- j. I asked the Dean if this particular position of the Deputy Director was advertised, and her response was:

*"It was not advertised. It is in the new structure. The new structure was approved by ManCom on 1 March 2022, and this gave me leverage to fill critical positions. There were still other processes that I had to follow before I could advertise positions – it had to go to the UBF for approval, and the HR for costing. I requested my line manager, because of the crisis, to allow me to fill this position. I did not advertise it, because I asked for the deviation which had been granted by the VP'.*

- k. In trying to make sense of both the issue of appointment and professorship, the VP's response was the following,

*"It is quite sick, I must say, although it was contextual, but it was unacceptable. Policy does say that if you are on contract you can have work done. In this context, I have asked the VC, because my name is mentioned there and I don't want to be defensive, but I want it to be investigated. I signed the appointment, but it was not for him to work at UNISA – the kind of work that people do can cause the contract to be non-compliant. When I signed the appointment, it was for a specific time and there was no capacity."*

- l. In my interview with the VC, I asked her about the GSBL complaint and the professorship matter and what was done about the complaint. Her response was,

*"I acknowledged their letter and said that I am willing to engage with them, and I requested Internal Audit to conduct an analysis of the issues and determine the depth of the problem. I also asked the LSO to do the same investigation, so we could work with the VP to try and resolve the problems. She has investigated and felt that it might be disaffection or resistance against the CEO, but we will engage with them once the analysis has been completed ...*

*I definitely do not agree with the use of the title Professor for an adjunct professor. I'm glad the CHE is doing work in this regard. There is a culture in SA where people have honorary titles like Doctor and whatever – one cannot avoid that contextuality. I understood him to be like all the other professors from Wits Business School, where they are recognised for their professional standing, but they cannot use the title. I think the actual challenge is that there are deeper seated, structural problems around the SBL which I will look into. I asked the VP to do a substantive investigation into what is happening at SBL, so that we can act based on actual information". The VC thought it was mischievous to use the title in the manner the prominent media personality does.*



- m. I find that the use of a Professorial title at UNISA has been diluted over time. The institution appears unable to extricate itself from the clutches of a practice that compromises the image and reputation of a university that has a footprint in the entire continent. I therefore recommend Senate to urgently look into the matter and ensure that the academic standing of professors at UNISA are not doubtful and perceived as below par within the institution and outside. UNISA should take remedial steps and ensure that it is not subjected to regulatory scrutiny on its professoriate.
- n. Although the decision to introduce a 'special dispensation' was influenced by transformation dynamics that compared what happened in the past at UNISA, in academia, two wrongs don't make a right – that can be left to politicians. The credibility of the institution is paramount, not individual interests.

#### **4.7.4 The Ombudsperson**

- a. UNISA has an Office of the Ombudsperson, which, according to the information before me is occupied on a part-time basis by an official that works from home. This arrangement appears to have some shortcomings in that the Ombudsperson is not able to engage optimally and visit offices where necessary. In our conversation with the Ombudsperson, she expressed the following view that could assist the University going forward in this service to the University community,

*"I'm not permanent, I work from home, so I cannot go to the departments to follow up on information. I am looking for software so I have been liaising with IT and the VP that I'm reporting to. I'm supposed to the VC, but I report administratively to the VP, Prof. Ndlovu, and I'm not comfortable with that arrangement either because I could have a case that complains about the VC, so what would I do in that case. I have a two-year consulting contract, and it will end in May 2024. Maybe it is not ideal; in other universities the Ombud is a permanent appointment, and they are on campus so they are able to actually go to the department or college to follow up on a request. Now, I call this person who calls another or I have to write an email, which is not ideal given that UNISA is very big. I hope one of these days there will be a difference about how they deal with my position – they must look at somebody who is still independent, but permanent, to deal with matters decisively, and it would help the Ombud to be proactive as well."*

- b. The office, which had been vacant for a year, was occupied in May 2022; and it reports to the VP: Strategy, Risk and Advisory Services. According to the UNISA Ombudsman Policy, which has a Council approval date of 23 April 2014,

“the Ombudsman receives and investigates claims from any person aggrieved by inadequate service delivery or administrative malpractice on the part of any person acting or professing to act on behalf of the University (par 4.1).

At the conclusion of an investigation the Ombudsman submits a written report to the Principal and Vice Chancellor with any recommendation which the Ombudsman considers appropriate to bring the matter to a satisfactory conclusion (par 4.2)”.

- c. The current arrangements are in contravention of the institutional policy on the reporting line. This appears to have recurred into the current VC’s term. In my interview with the VP, he said, “*The Ombud is supposed to report directly to the VC. In the time of Prof. Makhanya, any report from the Ombud would be referred to me to find a solution*”.
- d. It also turns out that the majority of the cases submitted to the Office of the Ombudsperson are from students. The cases from staff are about their own student cases, not about employment issues. The nature of the cases received dovetails with matters reported in the student services section. According to the Ombudsperson,

*“ There is a process of referring matters to the office of the Ombud – it is the last office that must be approached by anybody who is not getting joy with the office where the problem emanates from. If a student or staff member gets no joy, they come to me to mediate and investigate, and to come up with a way forward. There is a form that they can find on the website, to be completed after they have followed all other avenues. I find that whoever is not happy after exploring all internal avenues, they come straight to my office. One of the reasons is that they do not really have faith and hope that their matters would be addressed on time, or at all, and they have been sent from pillar to post, so they forward their complaints to me. I then furnish to them the form, which indicates all the things that must be done before they send their issues to me. Because I was a student myself in various universities, I will also forward the complaint to the relevant department so that there can be a parallel process, and I find that the department then acts swiftly, so one asks yourself why they did not do that in the first place.*

*There are different options – students could bring their complaints straight to me without following due process, or they can complete the form – in either case, I liaise with the relevant department and things are quickly resolved. One asks oneself why these cases occur – whether people don’t know the process, or they don’t have trust in the system.”*

- e. The information I gathered from students themselves points to a perception of a non-caring University that constantly defends itself whenever students do not get satisfactory assistance with the service from Colleges or the Office of the Registrar, e.g. assessment issues.

- f. Sometimes matters can easily get out of hand and draw unnecessary attention to the university as illustrated by the following case:

*"Another matter that just came up relates to the student who failed because he did not follow the exam instructions, so the lecturer marked only five pages and not the rest. The Ombud became involved, and said that she would try to engage the College to try and find a solution. Everyone agrees and goes away, but the student goes away and does not do what was agreed, and then the student asks the Ombud to pronounce on the rule imposed by the College. The Ombud said that she had done what had been agreed, but the student then reports the Ombud to the VC. I investigated the matter on her behalf and made a recommendation that the VC should write to the student and indicate what the outcome is, but she said I should write to the student. Finally, I did write to the student, who then took us to the Public Protector."*

- g. I also observed that there seems to be no credible way of tracking complaints, reporting on them and/or following up on them. Reliance is placed on emails and there is no customised software that would enhance better reporting. It is my view that the Office of the Ombudsperson is casualised as confirmed by the following comment:

*"I rely on what I'm getting through emails, so it might not be a good reflection because I don't have a monitoring tool that would allow me to see at the click of a button – I currently have to do that manually... They call and send emails – every 20 minutes, literally, there is a complaint coming particularly from students. I had one or two from employees, in their capacity as students although they are employees. Very often there is something popping up in my emails – the system that is in place does not reflect what is actually happening, because I believe there are many things falling through the cracks, because everything is coming in through email ... I need a system to get complaints, capture them and direct them to the relevant departments, and get the information that I want ..."*

*I think it relates to the institutional culture – people are so used to taking things easy, not doing their work. I write an email or messages late at night, asking for things tomorrow, and they say here she comes again. So, when I get to the committee meeting, it is unfortunately necessary to operationalise to get people to comply, and it is stressful for me to be so forceful. I blame it on the culture – the people say that they have other things to do besides responding to the Ombud's office..."*

- h. In my conversation with the VC, I asked what her understanding of the role of Ombud was, and who she should be reporting to? Her response was,

*"The Ombud must be independent and hold the University to the legal, ethical and leadership mandate. A new Ombud has been recruited and dealt with some recurring student and broader"*

*university complaints. I tried to be **supportive without being too involved**. I requested Prof. Ndlovu to be the closest to her to help analyse the recurring issues that the Ombud deals with so they can be incorporated in the university's risk register.*

*I have invited the Ombud for tea to have a conversation, but I think it would be better if she is independent and only deals with Prof. Ndlovu, she should be able to allow us to engage through a different lens. This approach allows her to do her analysis completely independently."*

- i. It is my considered recommendation that UNISA should ensure that the Office of the Ombudsperson is appropriately capacitated and given the authority to perform its duties institution-wide; and should make efforts to enhance the visibility of the Office through appropriate university programs. As matters stand, the office is perceived as a tick-box exercise and there is no meaningful impact that can be demonstrated. A strategic conversation by campus stakeholders, including Council is necessary to determine how to go forward with the office.

#### **4.7.5 Leakage of documents and media reports**

- a. For the past few years, UNISA has been a subject of public embarrassment because of a series of negative media reports. The past two years and a bit has seen an acceleration of this phenomenon.
- b. Although it is not an exception, UNISA experienced numerous protests from students and staff on separate matters that affect them. Students were mostly protesting on registration and service delivery issues, whereas staff were more about remuneration and other benefits.
- c. The period preceding my appointment as Independent Assessor, most of the leakages were directed at the VC. It was more like a carefully orchestrated plan by those who were not happy about her appointment or leadership style.
- d. This culminated into a public spat between the two very senior offices at UNISA, with incumbents holding statutory positions.
- e. In my interview with students, they complained vehemently about the two offices, and some said they did not want to enter into "adult fights", and some are dragged to take sides or face consequences. A most serious concern for students was delivery of services that they, or the state pays for. Some bemoaned what they perceived as an "excessive social media presence by the VC and her responses" that are perceived by some as offensive. One young woman said, "*If I was asked, but I know I'm not. I would advise the VC to stay away from social media arguing with students*". Others felt that the Registrar was out of touch with their needs, and that she hardly visited Regions, and yet was perceived by some as "untouchable and very powerful".

- f. Leakages of confidential documents has negatively affected the health of UNISA that was seen by many as a beacon of hope, and a positive influence in their lives for well over a century. I have noticed how the past few years have wounded the image and reputation of UNISA.
- g. I experienced such leakages myself within a few days of the start of this assessment. Confidential correspondence between my office and the Rectorate was leaked to the media and the DHET. In this entrenched culture, people see it as normal and simply shrug their shoulders that they have no idea where the leakage emanates from.
- h. At the commencement of this assessment, I twice requested the University community to give this process and opportunity, so I could do my work. I am pleased to report that the UNISA community heeded the call and I did not experience challenges in that regard for the better part of the six months of performing this task.
- i. After I announced my imminent departure within a day or so, I saw another negative story, that was brought to my attention breaking out to the media about one of the senior officials. I was disappointed but not surprised. Individuals within UNISA like to upstage one another and create news and negative publicity about the University. It does not occur to these individuals that the University is larger than all of us.
- j. This country fought relentlessly for the freedom of the press. The media has the right to inform the public where they have information about malfeasance and other forms of public interest.
- k. As a person who has a deep passion for higher education which spans just under four decades, my “lover’s complaint” is that we need to build, support and take pride in our universities – they should not be destroyed as a result of the actions of a few in this sector. This nation needs them. Our children, the future of this nation will judge our actions harshly if we do not preserve them as centres of excellence.

## 5. Findings and Recommendations

Throughout this report, I make reference to a number of findings and recommendations in each section in order to focus the reader on matters addressed therein. It is therefore important to read the report in its entirety. The second part of the ToRs required that I advise the Minister on 'measures required to restore good governance and management at the University of South Africa'. I have therefore to make recommendations at two levels, those for the attention of the Minister and those to be instituted at the institutional level.

### 5.1 Recommendations to the Minister

- a. I have reported that UNISA experienced governance challenges since approximately 2016. One of the consequences of this was that the lines of authority between Council and Management were blurred, this has since grown roots and significantly weakened the university. The period following, between 2016 and 2020 was characterised by a series of governance failures, some of which were identified and highlighted in the Ministerial Task Team report (August 2021), which UNISA disqualified later in their response to the Minister. I find that several findings of the MTT are proven as the evidence presented in different sections of this report, shows.
- b. Although it is natural to defend oneself or the institution one belongs to, I have observed a pattern of denial and ignorance from UNISA Council and Management, even in situations where indefensible facts were presented to them. There are numerous examples of this throughout this report. The denial of the persisting problems only serves to continue to ruin the good name and reputation of the University.
- c. Ignoring the advice of the Minister to delay the appointment of the VC, Council went ahead and advertised the position with unreasonable requirements that were open to misinterpretation. As a result, none of the shortlisted candidates actually met the requirements. The whole appointment process led to further destabilisation and fragmentation of the university. Some of the Council members who were part of that decision still serve in Council and it is obvious that they attempt to distance themselves from the decision. Be that as it may, I did not see any record where members recorded their objection to the process or appointment of the current VC.
- d. The period following the appointment of the VC in 2021, up to the conclusion of my Independent Assessment (March 2023), does not show any significant improvements in the governance arrangements of the University. Although some Council members argued that the current Council is still new, I do not agree with the argument as only a few new members were recently appointed, the majority of Council members have served for a couple of years. Therefore, this

does not exonerate the current Council from accountability on the problems facing the University and/or numerous questionable decisions in this regard.

- e. I do not have a good sense that Council has a deep understanding of the higher education enterprise, let alone an Open Distance e-Learning Institution. While I did find that a concentration of the agendas of Council, over time, focussed on financial and compliance matters, it has seemingly made no impact as non-compliance is pervasive, as is evident throughout this report.
- f. Council is failing to fulfil its fiduciary responsibilities. The condonation of financial irregularities by Council and its failure to hold Management accountable is glaring. Council failed to attend to the allegations and complaints related to the 'over'-expenditure of the VC's official residence, with care, diligence, and impartiality. Although comprehensive reports were presented to Council, I believe that they were hoping that this matter would simply disappear. Seems as if Council does not realise that they have the responsibility to '*at all material times, conduct the business of the university with care, competence and integrity*'.  
*at all material times, conduct the business of the university with care, competence and integrity*'.
- g. The Registrar and the VC submitted different reports to Council on issues that started with the alleged procurement irregularities with the VC's official residence, to a series of other issues and performance related matters that the VC presented on the Registrar. Neither of the two employees are protected by Council. The matter has dragged out for more than a year. The relationship between the two became so dysfunctional that the delivery of essential services has been suffering. Yet, Council is happy to meet as many times as alluded to under section 4.1.2 on 'Council and its Council Committees' in this report, but Council could not resolve the matter and eventually decided to become mediators on a clear matter of incompatibility of these senior office bearers of the university.
- h. Numerous sections in this report, present examples of a Council that is careless in the execution of its fiduciary duties. The issue around the financial payments to staff members, to procure laptops independently, whereby management could bypass SCM requirements and policies, is only one case in point. However, some Council members informed me that the VC should rather be applauded for saving the university more than R420 million by not leasing laptops. I find this not only unacceptable, but also irresponsible of Council to use an example that should not have happened in the first place, to justify the transgression of the Delegations of Authority and SCM processes, that was approved by Council, without any consequences for management. This is a sign of a weak and divided Council as was confirmed by some members themselves.
- i. Similarly, the upward adjustment of the salaries of academic staff that was done without due cognisance of the consequences it may have had, sends a sign of poor governance and weak

management. The net effect of this irregularity had snowballed and subsequently, an increase had to be given to other categories of staff who were initially not part of the *impromptu* decision. Council failed to exercise its duty of care in that this irregularity became one of the elements of protest action by NEHAWU. Council then had to find a way to deal with the financial implications of the decision and approved a proposal to abolish vacant positions in support services.

- j. According to the Management's memorandum of 21 March 2022, these abolished positions had been vacant for a number of years which HR had determined to be outside the new fit for purpose organisational structures which were agreed with portfolio heads and line managers. I have noted however that Council approved the abolishment of the vacant posts on 14 December 2022. According to the minutes, Council resolved that the abolishment of 332 vacancies within the Professional and Support environment to fund the 2021 interim salary adjustment and the structure of the Office of the VC (R190 500 522), be approved. Moreover, that once the list of vacancies to be abolished is approved by the HRCoC and is approved at the FIECoC, that reengagement with the Portfolio Managers take place to confirm the positions to be abolished.
- k. According to information received, these vacant positions have been used to appoint contract workers in the support service departments. The decision to abolish support services positions (when student service levels are dismal), and push staff out of the job market in a country that has a chronic unemployment situation, all to fund an irregular decision by management, is simply a gross dereliction of duty by Council.
- l. As if the pushing of employees out of UNISA in an attempt to fund an irregular increase in staff salaries was not enough, Council approved an increase in the staff complement in the VC's office amounting to millions of Rands, money that could have been used to rather reskill or train staff. I cannot understand how Council could have approved this proposal in the current UNISA environment and I doubt if Council applied its mind. The decision to populate the office of the VC with positions that are clear duplications of already established departments and functions at UNISA, for a VC that has less than three years left of her term, is mind boggling. I wonder how Council cannot question or interrogate the proposal and question the motive or circumstances. How can Council approve the creation of a small empire in the VC's office? Council does not strike me as understanding the business of higher education, as was confirmed by some of them during our interviews. There are mega-universities that are far larger than UNISA in the world. I did not see benchmarking done with any of those universities, nor did I find a proper motivation or argument for the proposal, to come to a comfortable approval of such a costly decision at the expense of a critical shortage of teaching and support staff.



- m. COVID-19 presented many problems and challenges to universities around the world. UNISA was no exception. UNISA decided to make use of the situation to drive their ODeL strategy and switch completely into an online mode of delivery in 2020. At that point, UNISA had to be aware that it had an ailing ICT system and infrastructure and that it would not be able to optimally fulfil its obligations to students. As a university that was supposed to lead the way given its configuration as a distance e-learning institution, UNISA appeared to have been far behind some other universities who are not experienced in distance or online learning. Instead, I saw a series of failures in the implementation of its ICT strategy, various procurement irregularities, appointment of inexperienced service providers, appointment of unqualified people to lead its oversight responsibilities, high turn-over of IT staff, and the suffering of helpless students, all as a result of a decision that was taken without their involvement as primary stakeholders. UNISA again defended a poor decision with colourful language, blaming students that they do not understand the basic operations and functions of the University. In fact, in the UNISA 2021 Annual Report, under Council Statement on Sustainability (page 91) it is stated:

*“There is also a concern that **students no longer submit an enquiry or make an effort to find information on the University’s website.** Many enquiries are received on information that is, or should be, on the Unisa website. **The impression is that there is a tendency to complain as the first engagement with the institution,** rather than attempting to find the information on the website. This may point to a lack of understanding of the basic operations of a University.”*

- n. Millions of Rands are thrown into a bottomless pit at UNISA Enterprises (Pty) Ltd. It is blatantly clear that the entity has failed to achieve the mandate given to it. Council apparently believes that huge financial injections will resuscitate it from a state of non-delivery, non-compliance and poor health. I find that Council is not only plagued with indecision, but that Council fails the taxpayers of South Africa by revising strategy after strategy without any real impact.
- o. UNISA finalised its Annual Report six months after all public universities submitted their Annual Reports to the Minister in terms of the statutory requirement. The different sides to this situation are covered in this report. In essence, the External Auditors requested more time as circumstances came to the fore that substantially increased the audit risk. I find that Council failed in its duty to ensure good governance over a period of time. While I am aware that some members of UNISA staff worked tirelessly to reach the 'unqualified status' of the report, some saw this as a matter that should be celebrated, disregarding the inordinate delay, the embarrassing circumstances that led to the six month delay in submitting the report, and having to scramble in December 2022 to appoint new External Auditors.
- p. Overall, the efficacy of Council is not proven. Indeed, Council meets, take decisions, defer others, refer others back, make questionable decisions, and attend many meetings, all the while UNISA

- remains in a very critical unhealthy state. Council has failed to ensure that the University is well-managed and yet performance bonuses were being paid to the executive management. Overall, Council failed in its duty to protect the good name and reputation of the oldest University in South Africa.
- q. In my narration above, I allude to some management failures which I expand on below. The VC assumed office when UNISA was transitioning from the period 2016 - 2020 that was described as problematic by many. I pointed out earlier in the report that she did not inherit a properly working institution. The VC herself shared the 'As-Is Report' on the state of UNISA in 2021, further focusing on matters raised in the MTT report.
- r. A number of allegations of mismanagement were made against the VC. My investigation into the misconduct and mismanagement by the VC is detailed in the report. The allegation that the VC approved the salary adjustment of staff in her office, from 2007 (15 years) amounting to R2.9 million is proven. The VC as a leader of ManCom, together with her colleagues violated the procurement policy in respect of the laptop scheme, in bypassing the policy to expedite the implementation of the decision. This was done without the approval of the appropriate structures and without consultation with the established staff representatives. Her explanation that this was an HR process rather than a procurement matter, sounds absurd. There are serious financial issues as a result of this decision as explained the relevant section in this report.
- s. The ManCom's decision to implement selective salary adjustments to Academics Staff, and some portion of Support staff is another irregular expenditure. In respect of allegations on Cloghereen, the VC's official residence, I find that the VC had some involvement in the refurbishment of the house in that she herself said she went to some stores with staff, so that they can show her how such exorbitant prices were arrived at. On the contrary, staff that were given instructions confirmed that the VC wanted certain brand (Bosch) appliances, curtains, refrigerator and numerous others. After an expenditure exceeding R3 million, the VC has yet to move into her official residence since her appointment in January 2021. I am not aware that any of the Council members have visited the official residence. Without apportioning blame to the VC on the occupation of the property given the serious safety and security concerns she has, it remains a governance failure on the part of Council to appear care-free on both the safety and security of the VC and the money spent without utilisation of the property.
- t. I found that ManCom is not working as a coherent team. In a number of instances, they are part of the problem themselves. I believe they lack the maturity required to effectively manage a complex university. They do not work in a healthy environment where intellectual debates form the basis of good decisions. As I interviewed all of them individually, I did not understand how some of them were entrusted with such a colossal responsibility to run the institution of this size

and depth. I found that many of them do not command the respect of senior academics and students. ManCom knowingly took irregular financial decisions that had and have far-reaching consequences for the university. There must be consequence management, also at the highest levels in a university, as that is what is required from responsible leadership.

- u. **There is overwhelming evidence that the functioning and efficacy of both Council and Management fall below an expected standard of an effective university that looks after the best interests of its students, staff and resources.** I applied my mind on the options available to remedy the state of decay and dysfunctionality that UNISA finds itself in. Self-interests are pervasive within the Management and Council ranks. Many decisions taken or supported by them, were not in the best interest of UNISA, consequently, students are neglected and the teaching staff is relegated to the periphery.
- v. UNISA experienced poor governance for a long time. The process for the appointment of members of Council should be strengthened. The submission of a CV is not good enough and candidates for membership must be subjected to a rigorous interview and probity checks. To serve on the Council of any public higher education institution, is an honour, but it bears huge responsibility. Council members must understand that the Minister and the public will hold them accountable.
- w. I am cognisant of the fact that the Minister will apply his mind to the report and other circumstances applicable to the institution. I considered possible options provided for by the Act. Section 49B (a) of the Higher Education Act says the Minister may appoint an administrator in the case of "An audit of the financial records of a public higher education institution or the report by an independent assessor or any other report or information reveals financial or other maladministration of a serious nature or serious undermining of the effective functioning of the public higher education institution"; or council requesting such appointment or council resigning.
- x. The resignation of Council is an exercise that only Council can consider but this will be a partial remedy since the Management of UNISA is also responsible for undermining policies of the institution. In addition, an unqualified audit for 2021 financial statements was issued, albeit six months after the deadline for submission of the Annual Report, there are a number of serious matters raised by the audit, as highlighted in this report. My Independent Assessment, found and revealed financial and other maladministration practices of a serious nature at UNISA.
- y. **Hence, the option for full Administration of UNISA where both Council and Management are relieved of their duties, should be considered in line with Section 49F (1),** which states that the administrator appointed in accordance with section 49B must, subject to the provisions of section 49G-

- (a) take over the role, powers, functions and duties of the council concerned;
  - (b) carry out the role, exercise the powers, perform the functions and execute the duties of the council concerned to the extent that such role, powers, functions and duties relate to governance;
  - (c) take over and execute the management of the public higher education institution concerned;
  - (d) identify and initiate processes and initiatives that restore proper governance and management; and
  - (e) ensure that a new council for the higher education institution concerned is appointed and constituted in accordance with the institutional statute as soon as is practicable.
- z. Lastly, I detailed in the report a snapshot of financial irregularities and SCM problems, including fruitless and wasteful expenditure, and so on. **I recommend that the Minister carefully considers the change of legislation for institutions of higher learning to be subjected to the provisions of the Public Finance Management Act.**

## 5.2 Recommendations for UNISA

- a. I believe that it will take UNISA some time to achieve success in its operational and governance functioning, as a myriad of challenges such as, inefficiencies, non-compliances, a toxic culture, and questionable decisions, are all interrelated.
- b. UNISA's enrolment numbers are just under 400 000 students, and it is in fact the largest university on the continent. UNISA grew over many years to its current size and shape. However, it seems like the support functions did not develop in line with the growth in student numbers over the years. Issues around delivery of teaching and learning, credible assessments, support services, seamless registrations, effective communication, qualification audits, etc. are not only serious setbacks, but a strong indicator of management and governance failures. The reality is that UNISA is not able to provide quality services to its key stakeholders, the students. A university should not be asked to care for its students, it is inherent to the purpose of being a university. I find it disheartening that I should ask UNISA to take care for the needs of its students. A measure of success will be when its students are able to declare that UNISA is a caring institution and that students are proud to be associated with it. This unfortunately, has not been evident for some time.

Throughout this report, I made specific recommendations in the respective sections, and these I will not repeat here. The following are high-level operational recommendations for UNISA related to the findings in the various portfolios:

- i. **ICT Environment** – For a mega-university that is dedicated to Open Distance e-Learning mode of delivery, it is non-negotiable that it should have a robust, efficient and effective IT systems. UNISA does not have that. Risks associated with its LMSs, including the assessment of students, IT Infrastructure and Security, expertise in various areas of the ICT environment and non-compliance with procurement policies are huge areas of concern. ICT is supposed to be the lifeblood of an OdeL university. Although Council approved a new ICT Strategy in 2022, after the previous strategy of 2018 was not optimally implemented, this new strategy may also not be successfully implemented if there are not fundamental changes in the governance and administration of UNISA. The risk of ICT systems collapse at UNISA is very real, it's a ticking time bomb, if not urgently attended to. I recommend that the University source competent and dedicated specialists to revive the ICT environment and work closely with Colleges and other Departments to understand their needs.
- ii. **Student Governance** – The Student Governance Model of UNISA should be revised. As it stands currently, most students are not deriving the benefit of adequate representation by student leaders. The student leaders are not only politicised, but they are also factionalised, and this is to the detriment of the majority of UNISA students. A small fraction of politically active students, some of whom stay for an inordinately long time at the UNISA, have dominated the student governance landscape for many years. I recommend that the Constitution of the SRC be reviewed to ensure broader representation in student governance where all voices are heard, and the message is not only politically motivated. Further to this, I recommend that Management ensures that contemporary student leadership training programs are developed and implemented so that students can have a robust training platform to prepare them for the Future of Work.
- iii. **Office of the Registrar** – The report demonstrates a number of systemic and structural challenges that point to the dysfunctionality of the Office, particularly as it relates to student administration. I recommend that the structure of the Registrar's Office be reviewed with the sole intent of making it functional and efficient. The Dean of Students' Office is also dysfunctional and needs to be reviewed to ensure it fulfil its main purpose of serving students optimally.
- iv. **Human Resources Department** – HR is a focal point of frustration for many staff members who made submissions and who were interviewed. Colleges reported several instances where HR is performing poorly. Other support departments also complained profusely about HR's general lack of responsiveness. I recommend that the HR Department undergo intense training on people management. HR must work harmoniously with all campus

stakeholders (Including labour representatives) to put the institution's interests first. All efforts should be made to eradicate the pervasive culture of intimidation and victimisation at UNISA. Measures should be implemented to track and monitor HR performance. In addition, a comprehensive independent organisational climate and culture assessment is recommended so that improvement in climate and culture can be quantified.

- v. **Internal Audit** – I considered the effectiveness and efficiency of the Internal Audit function. A sizeable number of investigations are not followed up by the various departments in the university. I believe that Council is not exercising its fiduciary duty to ensure good practice at UNISA. I have heard a lot about 'consequence management' at UNISA and yet many reported audit findings and recommendations are ignored by management and Council. I **recommend** that Council must be firm and hold management accountable where the implementation of reports are undermined.
- vi. **Operations and Facilities Management** – There are a number of recurring problems in the portfolio. An example is the under-utilisation of the Infrastructure and Efficiency Grant that elicited the Minister's letter to the university, the shocking state of maintenance in some regions, the management of leases, procurement issues, inflation of prices, payment of services that were not rendered, etc. I recommend that UNISA consider decentralising services to the regions where services can be procured promptly and at reasonable prices. I recommend that UNISA automate some of its operations and invest in reskilling and upskilling staff to perform these duties.
- vii. **Senate** – I recommend that Senate reclaims its status as a custodian of curriculum transformation, high academic standards, robust engagement on teaching and learning, research and innovation, social justice, social entrepreneurship, digital transformation, and a caring culture for students and academic staff. Senate should make a serious effort to eradicate the special dispensation for professorships, including the award of questionable professorships, protect the interests of the deserving professoriate of UNISA, insists on publications in high impact journals, and academics to subject themselves to the rigour of credible rating agencies.

## 6. Conclusion

As per notice in the Government Gazette (No. 46904, Notice No. 2480) of 13 September 2022, I was appointed by the Minister as the Independent Assessor to conduct an investigation into the affairs of UNISA. The overall purpose of the investigation was to advise the Minister on the source and nature of problems; and measures required to restore good governance and management.

The Terms of Reference included, *inter alia*, an assessment of the functioning and efficacy of the governance and management structures; the operations of the Office of the Registrar; the state of policies and procedures of the university pertaining to financial management, supply chain management and procedures; and allegations of financial Irregularities; the state of the human resources policies and practices of the university, particularly In relation to enhancing organisational efficiency and employment relations; a detailed analysis and reasons for the significant number of staff suspensions, disciplinary cases and dismissals at the university since 2018; allegations of misconduct and mismanagement against the Vice Chancellor; and any other matter, in the opinion of the Assessor, that may impact on the functioning of the university from an analysis of problems relating to governance and management.

In this report I provided the Minister the history and background leading to the current state of affairs at UNISA. I explained the methodology and processes used during the Independent Assessment to derive at certain findings, recommendations and conclusions. I attended to each of the areas as per the terms of reference. The report includes different detailed sections with findings and relevant recommendations throughout related to:

- University governance and management structures (sections 4.1 and 4.2)
- Office of the Registrar (section 4.3)
- Finances (section 4.4)
- Human Resources (section 4.5)
- ICT (section 4.6)
- Other Matters (section 4.7)

Given the scope of the Independent Assessment, as per the terms of reference of my appointment, it must be emphasised that the report be read in its entirety as many recommendations and findings are presented throughout the report. In Section 5, of this report, I present only high-level **findings and Recommendations to the Minister** for his consideration, and institutional **Recommendations for UNISA**.

Lastly, I must state that towards the conclusion of the assessment, I observed a frantic move on the side of the University to address issues that were left unattended for the longest time, such as the filling of positions. It appears to me that it is a strategy to ensure that when the report is submitted to the Minister, UNISA would rebut the findings indicating that they have addressed the issues. The problem here is that the haste may result in further short-sighted and/or superficial solutions, which do not lift the University out of the quagmire it finds itself in and without lasting impact.





**Appendix A: List of Documents provided by the Department**

<b>Annexure</b>	<b>Contents</b>
	<b>Correspondence and Complaints Received by the Department on UNISA</b>
<b>A1</b>	Letter dated 9 December 2014 from Langa Attorneys representing Prof Mogege Mosimege (Former Registrar)
<b>A2</b>	Response Letter dated 5 February 2015 from Prof Mandla Makhanya to the allegations made by Langa Attorneys
<b>A3</b>	Memorandum dated 10 November 2015 from the Chair of the Institutional Forum (IF), Prof Puleng LenkaBula to the Chair of Council
<b>A4</b>	Email dated 18 November 2015 from Mr Thapelo Motsepe to the Minister making allegations
<b>A5</b>	Memorandum dated 7 June 2018 from Dr RS Netanda [Unisa Academic and Professional Staff Association of South Africa (APSA)]
<b>A6</b>	Response Letter dated 1 November 2018 from the Minister to Dr RS Netanda
<b>A7</b>	UNISA Ad-hominem Promotions July 2019
<b>A8</b>	Correspondence dated 22 August 2019 from a group calling themselves 'Concerned Academic and Professional Staff of the College of Law'
<b>A9</b>	Memorandum dated 23 August 2019 from the UNISA SRC to the Minister
<b>A10</b>	The Minister's Response dated 25 September 2019 to the UNISA SRC Memorandum
<b>A11</b>	Letter dated 20 June 2020 from the Minister to the Chair of Council on governance and management issues at UNISA
<b>A12</b>	Email correspondence dated 31 July 2020 from Gordon Hay of MacRobert Incorporated Attorneys representing Prof Peter Havenga
<b>A13</b>	Department's Response dated 22 January 2020 to earlier correspondences from MacRobert Incorporated Attorneys
<b>A14</b>	Letter dated 16 July 2020 from Prof Havenga to the Portfolio Committee
<b>A15</b>	Report by retired Judge Yekiso on the investigation into the grievances raised by Professor Havenga - 6 May 2020
<b>A16</b>	Sunday Times Article on the Havenga Matter dated 6 September 2020
<b>A17</b>	Minister's Response Letter dated 20 October 2020 to MacRobert Attorneys
<b>A18</b>	Minister's letter dated 20 October 2020 to the UNISA Chair of Council on the Havenga Matter.
<b>A19</b>	Letter dated 11 November 2020 from the Council Chair to the Minister on the Havenga Matter 11 Nov 2020
<b>A20</b>	Whistle-blower Request for an Investigation against UNISA 6 Sep 2020
<b>A21</b>	UNISA Statement on the suspension by UNISA, of its ED for Legal Services, Advocate Modidima Mannya - 23 April 2021
<b>A22</b>	UNISA Statement in response to the statement by the EFFSC on the appointment of the Principal and Vice Chancellor and the outcomes of the recent National and Regional SRC Elections - 15 May 2021
<b>A23</b>	Email dated 30 May 2021 from Mr Elias Muller requesting the Minister to investigate allegations of purge and irregularities in the recruitment process of the Vice-Chancellor (VC) and Principal and allegations contained in Adv Modidima Mannya's complaints
<b>A24</b>	Letter dated 23 June 2021 from a group of female academics calling on the Minister to intervene into what they deem to be bullying and misogyny that undermines Professor LenkaBula as the UNISA VC.
<b>A25</b>	Sunday Times Article dated 25 April 2021 titled 'Misogyny', 'bullying' and 'abuse' -UNISA row hot up
<b>A26</b>	Sunday Independent News article dated 28 June 2021 titled 'Academics rally behind UNISA VC'

<b>A27</b>	Minister's Letter dated 20 July 2021 to the Chair of Council regarding the allegations
<b>A28</b>	Letter dated 21 Aug 2021 from Adv Modidima Manyo to the Minister
<b>A29</b>	Council Chair's report on the allegations raised by Adv Manyo – 20 September 2021
<b>A30</b>	Email dated 17 October 2021 from Mr Phumlani Zwane, former UNISA VP: Finance
<b>A31</b>	Labour Court Judgement - Zwane v University of South Africa – 22 June 2021
<b>A32</b>	NEHAWU Memorandum of Demands on UNISA 21 April 2022
<b>A33</b>	Forensic Report into forensic investigation into allegations related to advance payments made to employees for the procurement of laptops 23 February 2022 (Bowman Report)
<b>A34</b>	Memorandum dated 17 June 2022 from the Registrar to the Chair of Council
<b>The Appointment of the Ministerial Task Team (MTT) on UNISA</b>	
<b>B1</b>	The Terms of Reference of the MTT – June 2020
<b>B2</b>	The Interim Report of the MTT to the Minister – 9 November 2020
<b>B3</b>	The Final Report of the MTT to the Minister – 31 August 2021
<b>B4</b>	Council Response to the MTT Report 21 April 2022
<b>B5</b>	List of Annexures to the Council Response
<b>B5.1.</b>	2020 External Council Member Profile
<b>B5.2.</b>	2021 External Council Member Profile
<b>B5.3.</b>	Employer Survey Report – February 2018
<b>B5.4.</b>	Deloitte Environmental Scan for UNISA 2030 Strategy Realignment 13 March 2020
<b>B5.5.</b>	UNISA Strategic Plan 2021-25
<b>B5.6.</b>	UNISA Strategy 2030
<b>B5.7.</b>	UNISA Compliance Policy 25 Apr 2018
<b>B5.8.</b>	UNISA Compliance Framework 21 June 2018
<b>B5.9.</b>	UNISA Compliance Universe
<b>B5.10.</b>	Amended Compliance Plan 2020
<b>B5.11.</b>	2021 Q1 UNISA Compliance Report
<b>B5.12.</b>	2021 Q2 UNISA Compliance Report
<b>B5.13.</b>	2021 Q3 UNISA Compliance Report
<b>B5.14.</b>	2021 Q4 UNISA Compliance Report
<b>B5.15.</b>	Environmental Scan Report submitted for Council Approval - 26 November 2020
<b>B5.16.</b>	Strategic Risk Profile Report submitted for Council Approval - 26 November 2020
<b>B5.17.</b>	2021 Revised Risk Appetite and Tolerance Framework submitted for Council Approval – 26 November 2020
<b>B5.18.</b>	Institutional Ethics Execution Directive 20 February 2018
<b>B5.19.</b>	Minutes of Council Exco Special Meeting held on 10 December 2018
<b>B5.20.</b>	Minutes of Council Meeting held on 23 November 2017
<b>B5.21.</b>	Minutes of the Finance, Investment and Estates Committee of Council (FIECoC) Meeting held on 21 February 2020

<b>B5.22.</b>	Minutes of the Audit, Enterprise and Risk Management Committee of Council ( <i>AERMCoC</i> ) Meeting held on 24 October 2019
<b>B5.23.</b>	Minutes of Council Meeting held on 25 April 2018
<b>B5.24.</b>	2020 External Council Member Skills Matrix
<b>B5.25.</b>	2022 External Council Member Skills Matrix
<b>B5.26.</b>	Correspondence dated 30 March 2021 from the Office of the Registrar on documents requested by the MTT - 2019 and 2020 Minutes of ICT Governance Committee of Council
<b>B5.27.</b>	<i>AERMCoC</i> Membership List 5 November 2019
<b>B5.28.</b>	Correspondence dated 15 February 2021 from the Office of the Registrar on documents requested by the MTT – 2020 <i>AERMCoC</i> Minutes and External Audit Reports for the university
<b>B5.29.</b>	Correspondence dated 24 March 2021 from the Office of the Registrar on documents requested by the MTT – Further information on Audit and Risk
<b>B5.30.</b>	Minutes of the <i>AERMCoC</i> Meeting held on 11 March 2020
<b>B5.31.</b>	Minutes of the <i>AERMCoC</i> Meeting held on 28 August 2020
<b>B5.32.</b>	Minutes of the <i>AERMCoC</i> Meeting held on 21 May 2020
<b>B5.33.</b>	Minutes of the <i>FIECoC</i> Meeting held on 03 June 2021
<b>B5.34.</b>	Minutes of the <i>FIECoC</i> Meeting held on 6 November 2020
<b>B5.35.</b>	Minutes of the <i>FIECoC</i> Meeting held on 18 August 2021
<b>B5.36.</b>	Minutes of the <i>AERMCoC</i> Meeting held on 3 June 2019
<b>B5.37.</b>	Minutes of the <i>AERMCoC</i> Meeting held on 11 March 2020
<b>B5.38.</b>	Minutes of the <i>AERMCoC</i> Meeting held on 13 November 2020
<b>B5.39.</b>	Minutes of the <i>AERMCoC</i> Meeting held on 20 August 2021
<b>B5.40.</b>	Terms of reference for the Academic and Student Affairs Committee of Council ( <i>ASACoC</i> ) 21 June 2018
<b>B5.41.</b>	Correspondence dated 03 February 2021 from the Office of the Registrar on documents requested by the MTT – <i>UNISA</i> Council Membership
<b>B5.42.</b>	Correspondence dated 24 March 2021 from the Office of the Registrar on documents requested by the MTT – <i>UNISA</i> Council Membership
<b>B5.43.</b>	Correspondence dated 24 March 2021 from the Office of the Registrar on documents requested by the MTT – <i>AERCoC</i> Resolution Register
<b>B5.44.</b>	2020 External Council Members: Competencies and Composition of Council committees
<b>B5.45.</b>	PowerPoint presentation titled “ <i>ODEL/ICT</i> Key Projects Status Report”
<b>B5.46.</b>	Student Relationship Management Report 26 August 2019
<b>B5.47.</b>	2021 <i>ManCom</i> Resolution Register
<b>B5.48.</b>	Minutes of the <i>SECoC</i> Meeting held on 7 June 2021
<b>B5.49.</b>	Minutes of the <i>SECoC</i> Meeting held on 11 November 2021
<b>B5.50.</b>	Minutes of the <i>AERMCoC</i> Meeting held on 20 August 2020
<b>B5.51.</b>	PowerPoint presentation titled “ <i>ODEL/ICT</i> Key Projects Status Report” also referenced as B5.45
<b>B5.52.</b>	CV of Ms R Mlaudzi
<b>B5.53.</b>	CV of Nr L Tlhabanelo

<b>B5.54.</b>	CV of Ms B Bekwa
<b>B5.55.</b>	CV of Mr PR Mogale
<b>B5.56.</b>	CV of Mr L Mogashoa
<b>B5.57.</b>	Status of ODeL Initiatives
<b>UNISA Annual Reports</b>	
<b>C1</b>	2017 Annual Report
<b>C1.1</b>	2017 External Auditor Report on Factual Findings
<b>C1.2</b>	2017 Supplementary Financial Data
<b>C2</b>	2018 Annual Report
<b>C3</b>	2019 Annual Report
<b>C3.1</b>	2017 External Auditor Report on Consolidated AFS
<b>C3.2</b>	2019 Consolidated Annual Financial Statements
<b>C4</b>	2020 Annual Report
<b>C5</b>	Letter dated 23 June 2022 from External Auditors re audit risks
<b>Council Self-assessments in terms of the DHET Governance Scorecard</b>	
<b>D1</b>	2017 UNISA Council Self-Assessment
<b>D2</b>	2018 UNISA Council Self-Assessment
<b>D3</b>	2019 UNISA Council Self-Assessment
<b>D4</b>	2020 UNISA Council Self-Assessment
<b>D5</b>	2021 UNISA Council Self-Assessment
<b>Documents relating to Enrolment</b>	
<b>E1</b>	Minister's Letter dated 28 December 2020 to UNISA Chair of Council regarding enrolments
<b>E2</b>	EFF Application to the High Court on the Minister's Directive to UNISA
<b>E3</b>	Judgement on the Matter

## Appendix B: Schedule of Introductory Meetings with Structures of the University

Date	Structure	Members or Persons Present
<b>26 September 2022</b>	Members of the University Council	11 (Present) 6 (Virtual)
	Members of the Executive Management (UNISA ManCom)	6 and the Director: Executive Support in the Office of the VC (Present) 2 (Virtual)
	Members of the Extended Management (UNISA EMC)	23 (Present)
<b>28 September 2022</b>	Members of the National SRC	6 (Present)
	Members of APSA	5 (Present)
	Members of NEHAWU	5
<b>29 September 2022</b>	Executive Committee Members of Non-Statutory Forums (Disability Forum, Women's Forum and Black Forum)	5
	Members of the SENATE Executive Committee (SENEX)	26 (Present)
	Members of the Institutional Forum	7 (Present)
	Members of the Convocation Exco (excluding ex-officio members)	No members available
<b>30 September 2022</b>	Meeting with Managers of Regional Offices	43 (Virtual)
	Meeting with Members of the Regional SRCs	49 (Virtual)

## Appendix C: Summary of Interviews held by the Independent Assessors

Interviews	Persons Interviewed	Interviews Held
Interviews with Authors of Submissions	30	24
Interviews with Persons regarding Submissions	2	2
Interviews with Members of the National SRC	9	9
Interviews with Members of the Regional SRCs	35	35
Interviews with Other Students	2	2
Interviews with Labour Unions and Representatives	10	10
Interviews with External Members of Council	10	10
Interviews with Members of the Executive Management	9	12
Interviews with Executive Directors	15	19
Interviews with College Management and Staff	23	22
Interview with Ordinary Members of Senate & the Institutional Forum	4	4
Interviews with Former Executives Managers	5	5
Interviews with Former Members of Council	2	2
Interview with Staff in the Registrar's Portfolio	19	21
Interviews with Staff in Finance, SCM and Audit Environment	10	21
Interview with Staff in the Human Resources Portfolio	6	6
Interview with Staff in the Operations and Facilities Portfolio	7	7
Interview with Staff in the ICT Portfolio	7	7
Interview with Staff in other Portfolios (Legal Services, T&L & Public Relations)	4	4
Interviews with Regional Directors & Managers	3	3
Interviews with other key office-bearers	2	2
Interviews with Other Key Stakeholders	2	1
Interviews with Entities with a Business Relationship to UNISA	2	2
Interview with Members of the MTT	3	1
<b>TOTAL</b>	<b>221</b>	<b>231</b>

**Appendix D: The UNISA Council Composition at the time of the assessment**

Constituency/ Portfolio	Name	Term of Office
Principal and Vice-Chancellor	Prof Puleng LenkaBula	Jan 2021 - Dec 2025
Pro Vice-Chancellor	Vacant	
Two (2) permanent academic employees who are members of Senate	Prof Zethu Cakata	Sep 2022 - Sep 2024
	Prof Olaotse John Kole	Sep 2022 - Sep 2024
Two (2) permanent academic employees who are not members of Senate, elected by the permanent academic employees	Prof Itumeleng Mothoagae	Sep 2021 - Sep 2023
	Mr Johannes Jonker	Sep 2021 - Sep 2023
Two (2) permanent employees other than academic employees, elected by such employees	Vacant	
	Vacant	
Two (2) students, elected by the Students' Representative Council	Ms Samkelisiwe Ndlovu	June 2022 - Mar 2023
	Ms Shatadi Phoshoko	Mar 2021 - Mar 2023
Five (5) Persons appointed by the Minister	Vacant	
	Vacant	
	Mr Dan Mosia (Deputy Chair)	July 2020 - July 2024
	Ms Charlotte Mampane	July 2020 - July 2024
	Prof Sarah Motsoetsa	Oct 2021 - Oct 2025
One (1) nationally recognised local government sector representative	Vacant	
One (1) Representative of the UNISA Foundation Trust	Vacant	
Two (2) Members of the Convocation, one of whom must be the President	Vacant	
	Mr Mothupi Modiba	Nov 2016 - Nov 2020 Nov 2020 - Nov 2024
Chairperson of the Board of the Graduate School of Leadership	Vacant	
Ten members with a broad spectrum of competencies in fields such as education, business, finance, law, marketing, information technology and human resource management nominated and elected by Council	Ms Babalwa Bekwa	Mar 2021 - Mar 2025
	Ms Sedzani Faith Mudau	Sep 2019 - Sep 2023
	Mr Sakhile Isaac Mlauzi	Feb 2020 - Feb 2024
	Dr Wiseman Magasela	Nov 2019 - Nov 2023
	Ms Belinda Linda Mapongwana	Oct 2019 - Oct 2023
	Mr James Maboja (Chairperson)	Feb 2020 - Feb 2024 Feb 2016 - Feb 2020
	Ms Therina Ida Maria Wentzel	April 2019 - April 2023 Apr 2015 - Apr 2019
	Mr Ian Lesego Tlhabanelo	Nov 2018 - Nov 2022 Sep 2014 - Sep 2018
	Prof Gessler Muxe Nkondo	Nov 2019 - Nov 2023 Nov 2015 - Nov 2019
	Dr Dovhani Colbert Mamphiswana	Nov 2018 - Nov 2022

**Appendix E: The UNISA Council Committees at the time of the assessment**

Name of Committee		Name	Role
Executive Committee of Council (Exco)	1	Mr MJ Maboja	Chairperson
	2	Mr DD Mosia	Deputy Chairperson
	3	Prof Mosoetsa	Chairperson of the BCCoC
	4	Ms T Mampane	Chairperson of the HRCoC
	5	Dr WK Magasela	Chairperson of the ASACoC
	6	Ms SF Mudau	Chairperson of the AERMCoC
	7	Mr SI Mlauzi	Chairperson of the ICTCoC
	8	Ms B Mapongwana	Chairperson of the SECoC
	9	Prof P LenkaBula	VC and Principal (Ex-officio)
Nominations and Governance Committee of Council (NGoC)	1	Mr MJ Maboja	Chairperson
	2	Mr DD Mosia	Deputy Chairperson
	3	Mr M Modiba	External Member of Council
	4	Ms T Wenzel- duToit	External Member of Council
	5	Ms SF Mudau	Chairperson of the AERMCoC
	6	Mr SI Mlauzi	External Member of Council
	7	Prof P LenkaBula	VC and Principal (Ex-officio)
Remuneration Committee of Council (REMCoC)	1	Mr MJ Maboja	Chairperson
	2	Mr DD Mosia	Deputy Chairperson
	3	Ms T Mampane	Chairperson of the HRCoC
	4	Ms SF Mudau	Chairperson of the AERMCoC
	5	Ms B Mapongwana	Chairperson of the SECoC
Information and Communications Committee (ICTCoC)	1	Mr SI Mlauzi	Chairperson
	2	Ms B Bekwa	Deputy Chairperson
	3	Prof P LenkaBula	VC and Principal
	4	Ms TCC Mampane	Council Member
	5	Mr M Modiba	Council Member
	6	Mr P Mogale	Co-opted Member
	7	Ms SFN Ndlovu	NSRC President
	8	Mr L Tlhabanelo	Council Member



Finance, Investments and Estates Committee of Council (FIECoC)	1	Mr DD Mosia	Chairperson
	2	Mr MP Modiba	Deputy Chairperson
	3	Mr L Tlhabanelo	Council Appointee
	4	Dr WK Magasela	Council Appointee
	5	Ms B Bekwa	Council Appointee
	6	Prof P LenkaBula	VC and Principal (Ex officio)
	7	Prof I Mothoagae	Academic staff - (non-Senate)
	8	Ms SFN Ndlovu	SRC President
	9	Vacant	Support staff
	10	Vacant	Academic staff (non-Senate)
Audit And Enterprise Risk Management Committee of Council (AERMCoC)	1	Ms SF Mudau	Chairperson
	2	Ms BL Mapongwana	Deputy Chairperson
	3	Mr L FV Mosupye	Co-opted member
	4	Ms TYM Wentzel-du Toit	Council Appointee
	5	Ms B Bekwa	Council Appointee
	6	Mr SI Mlazi	Council Appointee
	7	Prof S Mosoetsa	Ministerial appointee
Human Resources Committee of Council (HRCoC)	1	Ms TCC Mampane	Chairperson
	2	Mr L Tlhabanelo	Deputy Chairperson
	3	Dr MC Kganakga	Co-opted Member
	4	Prof P LenkaBula	VC and Principal
	5	Prof S Mosoetsa	External Council Member
	6	Ms TT Ngcobo	Co-opted Member
	7	Ms SE Phoshoko	SRC Secretary -General
	8	Ms T Wentzel - Du Toit	External Council Member
Social and Ethics Committee of Council (SECoC)	1	Ms BL Mapongwana	Chairperson
	2	Prof GM Nkondo	Deputy Chairperson
	3	Mr L Tlhabanelo	Council Member and member of HRCoC
	4	Prof P LenkaBula	VC and Principal
	5	Mr JJ Jonker	Non-Senate Academic employee
	6	Ms SFN Ndlovu	Student representative (President of SRC)

Academic and Student Affairs Committee (ASACoC)	1	Dr WK Magasela	Chairperson
	2	Ms TYM Wentzel-du Toit	Deputy Chairperson
	3	Prof GM Nkondo	Appointed by Council Broad spectrum of competencies
	4	Prof P LenkaBula	VC and Principal
	5	Prof ID Mothoagae	Non-Senate Academic employee
	6	Ms SE Phoshoko	SRC representative
Brand and Communications Committee (BCCoC)	1	Prof S Mosoetsa	Chairperson
	2	Dr EP Mokgobu	VP: Institutional Development
	3	Dr WK Magasela	Appointed by Council - Broad Competencies
	4	Ms NT Mosala	Co-opted member
	5	Ms SFN Ndlovu	SRC Representative (President)
	6	MS SE Phoshoko	SRC Representative

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