

**SA Human Rights Commission hearing  
STIAS, 10 May 2021**

**Opening statement by Stellenbosch University Rector and Vice-Chancellor Prof Wim de Villiers**

#### INTRODUCTION

Thank you, chair. Good morning, everyone. Goeiemôre. Molweni.

Commissioners, I am leading our team as Rector and Vice-Chancellor of Stellenbosch University. Let me introduce the rest of our delegation:

- Prof Deresh Ramjugernath, Deputy Vice-Chancellor: Learning and Teaching (;
- Dr Antoinette van der Merwe, Senior Director: Learning and Teaching Enhancement (and leader of the task team handling the revision of our Language Policy this year);
- Dr Choice Makhetha, Senior Director: Student Affairs;
- Dr Leslie van Rooij, Senior Director: Social Impact and Transformation; and
- Mr Desmond Thompson, Acting Director: Corporate Communication.

And then our legal team:

- Mr Gerhard Lipp;
- Ms Lorinda van Niekerk; and
- Adv Jeremy Muller.

As a public institution and a national asset, Stellenbosch University (SU) is committed to human rights, as contained in the Bill of Rights in the Constitution of South Africa. We respect the Constitution and the democratic oversight role performed by its institutions, including those provided for in chapter 9, such as the South African Human Rights Commission (SAHRC). So, we welcome this opportunity.

#### WHY ARE WE HERE TODAY?

We are here to respond to oral questions in relation to complaints submitted to the Commission in which it was alleged that students at our University were being prevented from communicating in Afrikaans.

More specifically, as included in the notice we were served with, the complainants claimed:

- that student leaders and administrators at SU residences had allegedly prohibited students from conversing in Afrikaans;
- that there allegedly was a ban on the use of Afrikaans, even extending to its use in a private context, including residences and bedrooms, digital platforms such as WhatsApp, and even on park benches at residences;
- that students had allegedly been threatened with disciplinary action or were subject to public bullying if they used Afrikaans on campus or in their residences;
- that this related specifically to events in three of our women's residences – Minerva, Irene and Huis Francie van Zijl – as well as a private student organisation, Capri, but this might be broader; and
- that numerous students had complained to University management about this, but that the issue was not being addressed.

#### INITIAL SU RESPONSE

Let me say straight away that the suggestion that students across campus, as a matter of University policy, have at any time been prohibited from communicating in Afrikaans is false.

There is no ban on Afrikaans at Stellenbosch University – not in lecture halls, in residences, or anywhere else on campus. That is not our policy.

To the contrary, our Language Policy advances multilingualism, taking into account “the diversity of our society and the intellectual wealth inherent in that diversity” (2016 Language Policy, par 1, “Introduction”).

I wish to assure the Commission that the University is committed to give effect to section 29(2) of the Constitution, in relation to the use of language, in our academic, administrative and social contexts.

There is no English-only policy in residences. And students should not be prohibited from speaking Afrikaans or any other language. The University cannot condone that, as it would be incongruous with our vision, our values as well as our Language Policy.

#### WHAT SU STANDS FOR

Chairperson, before I go into the details of investigations into the complaints concerned, let me briefly explain what the University stands for.

Stellenbosch University is guided by our *Vision 2040 and Strategic Framework 2019–2024*, which our Council adopted in our centenary year, 2018.

That document articulates our vision, namely to be “Africa’s leading research-intensive university, globally recognised as excellent, inclusive and innovative, where we advance knowledge in service of society”.

It also states that we aspire to be an “integrated academic community that celebrates critical thinking, promotes debate and is committed to democracy, human rights and social justice”.

In addition, two of the University’s values listed in our guiding framework are particularly relevant to today’s discussion: respect and equity. To us, “respect” means that “we maintain civility in our mutual and public discourse, and show due regard for the freedom, equality and dignity of all”, and “equity” means that “we pursue restitution in response to our past legacy, and fairness in our aspirations for the future”.

That is how we see ourselves; that is who we are – a world-class research-intensive university serving the entire society, not just a particular section of the population. And for this very reason, we follow a multilingual approach.

Stellenbosch is not an Afrikaans university. It is not an English university. And it is not an isiXhosa university. We are an inclusive, multilingual university, one of very few higher education institutions in our multilingual country following this approach.

This is not easy; in fact, it is complicated and expensive. Yet we have deliberately chosen to go this route because we believe it is the right thing to do. Why?

#### SU LANGUAGE POLICY

Stellenbosch University advances multilingualism for three reasons, namely:

- to increase equitable access;
- to foster an inclusive campus culture; and
- to support student success.

We believe that through exposure to multilingualism and cultivating respect for one another’s cultural heritage, our students become engaged citizens in a diverse society.

Of course, South Africa has 11 official languages, and you will recall I started off by saying that we regard ourselves as a national asset. Increasingly, our students and staff reflect the diversity of our society – we are proud of the progress we have made in this regard, even though our journey is incomplete and imperfect. We remain determined to broaden access and enhance inclusivity even further.

Indeed, all languages facilitate communication, but for the sake of practicability, we chose to go with the three official languages of the province where we are situated, the Western Cape, namely Afrikaans, English and isiXhosa.

Our multilingual approach plays out in a number of dimensions.

First, in the classroom, we primarily use English and Afrikaans as mediums of instruction or languages of tuition.

- We use English because we want to serve the entire population, and not only a certain portion. We are funded from taxpayers' money to a considerable extent, which means we need to be accessible to all.
- We use Afrikaans to satisfy a particular need for access in that language, as far as we reasonably can. Afrikaans has developed an academic repertoire over decades, to which Stellenbosch University has significantly contributed. Applying and enhancing the academic potential of Afrikaans is a means of empowering a large and diverse community in South Africa.
- And what about isiXhosa? Through specific initiatives, in specific academic disciplines, we are contributing to the advancement of isiXhosa as a developing academic language.

Secondly, our multilingual approach finds expression in our internal and external communication. For this purpose, we use English and Afrikaans, and, to some extent, isiXhosa as well. We are guided by the imperative to be inclusive. We always try to ensure that "no one is excluded by the language of communication" (2016 Language Policy, par 7.2.2).

Thirdly, besides tuition and institutional communication, our multilingual approach is manifested in social settings as well. In this regard, our Language Policy (2016, par 7.2.5) states that "in residences and other living environments, language is used in such a way that, where reasonably practicable, no stakeholder is excluded from participating in any formal activities in these environments".

#### SU STUDENT BODY

For context, let me share some figures relating to our student body. We have approximately 32 000 students in total:

- Roughly a third are postgraduates, and the remaining two thirds undergraduates.
- Approximately 12% of our students – 4 000 or so – are international, hailing from over 100 countries (both on our continent and across the rest of the world).
- About 8 000 of our students are accommodated in University housing – residences, houses, and so forth. The rest are assigned to private student organisations, which, together, are grouped into clusters, of which we have eight. In total, we have 54 student communities.
- We welcome 5 000 to 5 500 newcomer first-years every year.

Our students have varying academic language proficiencies and come from diverse backgrounds and different countries.

#### EVENTS LEADING UP TO THE COMPLAINTS

Commissioners, it is important for me to give you a sense of how we approach student life, and life in student residences.

We have an extensive Welcoming Programme – one of the best in the higher education sector – to introduce newcomers to our institution and all that it offers, from academic programmes, to sport and societies, co-curricular opportunities, social activities, and more.

We take an educational approach, making sure that we focus on inclusivity, and on empowering newcomers with the critical skills they will need not only during their time at university, but for life.

Through a multitude of well-coordinated activities, the Welcoming Programme helps students find their feet quickly and integrate with one another in their new and often daunting environment.

And students appreciate it. We conduct an annual survey about the Welcoming Programme. The general feedback from students is well captured by this quote from a newcomer first-year, who said: “Being around so many people with different personalities and backgrounds, cultures and languages, is exciting for me.”

Of course, this year, because of the impact of COVID-19 on our activities, newcomer first-years arrived on campus later than usual and met one another and their student leaders for the very first time at the start of March only. We are one of the few higher education institutions that brought students to campus; many others are continuing online this year. This made the welcoming period even more crucial, especially after the isolation of last year.

Somewhat overwhelmed by a brand-new setting, new students may not always understand the information and arrangements meant to help them settle in. For this reason, student leaders in residences mostly use English in formal settings during this period to ensure that everyone has access to crucial information.

An effort to turn the challenges of communal living into opportunities for growth and a celebration of diversity is commendable. However, this should not be interpreted to mean that a language other than English is not welcome or should not be used. Our Language Policy promotes multilingualism.

#### WHAT DID SU DO IN RESPONSE TO THE COMPLAINTS LODGED IN MARCH 2021?

To the 2021 complaints, specifically:

From the outset, I admit that things may, can and will go wrong at times. In a complex environment such as a large university, we do not always get it right. If newcomer students were indeed instructed by student leaders to use only English in a social context, that would be wrong. That is not our policy; it is not supposed to happen.

So, when the allegations came to the fore, we expeditiously started looking into them. And we took action. Through our Division of Student Affairs, we engaged with student leaders and students in residences to work towards a common understanding of the Language Policy and the implementation in the residence space.

And as far as we are aware, the issues were resolved satisfactorily.

This was done in accordance with our Language Policy, which provides clear guidance and sets a most accessible threshold, a low bar. In paragraph 8.4, the policy advises students “who feel negatively affected by the implementation of the Language Policy” to follow certain steps. I will focus specifically on the steps in the residence environment, as this is where the complaints originated.

In paragraph 8.4.3, the Language Policy says that complaints should be lodged with the house committee or the relevant residential head so that they can be resolved. As far as we know, that is what indeed happened.

Commissioners, something that is perhaps not always fully appreciated by those on the outside looking in, but which frequently strikes and impresses me, is the integrity, commitment and seriousness with which not only our staff in residences, but also our student leaders and the students residing there themselves, approach the challenge of living together. These are young people, but, in general, they demonstrate tremendous maturity in engaging with and sorting out difficult issues.

Of course, we support this by the framework provided by the University, and the approach followed by our Division of Student Affairs and its relevant substructure, the Centre for Student Communities.

They go in and discuss matters with students. These are sometimes difficult discussions, but they are healthy, and important educational moments.

Commissioners, I don't have to tell you – you know there are different forms of justice ... administrative, punitive, restorative. The emphasis of our Language Policy is not on punishment, but on resolving matters to the satisfaction of all those directly involved. And to the best of our knowledge, that is what indeed happened in the cases concerned.

Now, apart from dealing with the specific complaints, our staff also continued broader conversations with students about the implementation of our Language Policy, and about the value of multilingualism and inclusivity. We also raised awareness of the feedback mechanisms available if anyone felt unhappy about how the Language Policy was being implemented.

#### INDEPENDENT INVESTIGATION

Still, as management, we felt we needed an independent investigation, and so we commissioned our auditors, an external firm, to conduct one.

According to the initial timelines, we would have had the report by now, but we have been informed that it is, unfortunately, taking longer than expected. We have been told that the investigators experienced some difficulty in arranging interviews with some of the students involved, considering that our first round of assessments – mostly in the form of tests – had started and we also had recess.

So, while not complete, the investigation is a matter of urgency. The investigators know that, and have assured us that they are doing all they can to get it done as soon as possible, while still doing a thorough and proper job.

Nonetheless, I am happy to answer questions from the Commission regarding the allegations mentioned here, to the extent that I am able to, given that there is an ongoing investigation – supported by the team I brought along.

Unfortunately, we will not be in a position to address the specifics of any complaints at this stage, since they are still under investigation. We respectfully pointed this out to the Commission on 30 April. But I understand that the Commission requested that the hearing go ahead today, which we respect.

In addition we receive material from the Commission over the weekend. Insufficient time to prepare.

#### CONCLUSION

Chairperson, Commissioners, let me conclude by saying that Stellenbosch University is an asset to the country and all its people. This was proven yet again at our recent graduation ceremonies, which marked the official end to our 2020 academic year.

In extremely challenging circumstances last year, we managed to confer more than 9 000 degrees, diplomas and certificates – among the highest numbers in the country. We are proud of our contribution to human development, and consider our policy of multilingualism, which is aimed at inclusivity and academic excellence, a cornerstone of our unique differentiating value proposition as a leading higher education institution.

We are confident that Stellenbosch University students have more choices, broader access and a better future as a result of our approach to language.

Chair, I started off by saying that we respect the Constitution, which, according to its preamble, was adopted to “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights”. These are goals we share, and pursue in various ways, including through our Language Policy. Thank you.