

## **INTERNAL MEMORANDUM**

**7 August 2023**

**To: Prof Wim de Villiers and all members of the Rectorate**

**From: Profs Nico Koopman and Aslam Fataar, Dr Leslie van Rooi, Mr  
Mohamed Shaikh, and Prof Andre Keet (external CIRCoRe  
consultant):**

**Re: Promoting Policy agility and justice efficiency during the period of  
CIRCoRe activities**

Given the establishment of the Committee for the Institutional Response to the Commission's Recommendations (CIRCoRE) and its five workstreams to provide further momentum to the institutional transformation processes at SU over the next two years, pertinent attention must be given to policy agility and justice efficiency during this time alongside existing policies, procedures and practices, and policies under review.

### **Rationale**

1. The Khampepe report made wide-ranging findings and recommendations in its inquiry on racism at Stellenbosch University. Finding (iii) on p.11 of the executive summary indicates that the university has a comprehensive transformation apparatus that operates in an uncoordinated fashion. 'This is because its transformation apparatus comprises complicated, bureaucratic, multifaceted systems and structures, which are evidently left to perform their separate functions with little cohesion or overarching coordination. This leads to omissions, duplication of efforts, confusion and a lack of accountability.
2. The negative implications of this finding for the University are articulated in more detail on p.147-150; because they 'delay closure and justice' [420]. In other words, inadequate policy coherence and cohesion may thwart the University's imperative to run its operations based on operational efficiency and justice.
3. The recommendations on p.16-17, amongst others, refer to improvements in coordinating processes and systems. The Khampepe Report recommends

‘structural improvements’ to strengthen the University’s transformation functioning.

4. These findings and recommendations form the key reference points for the activities of Workstream 5, which aim not only to simplify and align university structures, policies, and regulations but focus on change, adaptation, and functional alignment of organisational structures with the transformation operations on campus.
5. By its very nature, this work will take some time to come to fruition and needs to meet the process and consultation requirements of policy development within a university setting.
6. Yet, in the interim, the challenges reflected in para.3 remain, which may constrain the University’s ability to respond efficiently and effectively to anti-democratic/anti-human rights incidents or unfair discriminatory behaviour by students or staff surface at various levels of the university. The lack of a just and efficient response to incidents of alleged unfairness and discrimination may result in cases where justice and procedural fairness could be denied to victims harmed during such incidents. In such cases, the university would be challenged to respond to such behaviour with agility, coherence, and cohesion (as intimated by the Khampepe Report).
7. To hold different sets of structures and policy complexities together as the CIRCoRe work continues to provide for policy and response agility, the Transformation Office recommends the adoption of a practice note that ‘establishes’ an interim working group (IWG) that would guide how the University would deal with incidents of discrimination and unfair practices in an agile, cohesive and just manner.
8. The IWG will fulfil the following functions:
  - a. Bring all role-players in the transformation and related workspaces together to consider and provide guidance on how to deal with incidents of discrimination and unfair practices during the “transitional period.” These incidents would be immediately identified when reported to structures such as the Equality Unit. They may also emerge in the public domain on social and other media platforms and be reported to or flagged in any other university structure. These structures would be required to immediately notify the Equality Unit or the IWG of such incidents.
  - b. Depending on the nature of the incident and those sectors implicated, the IWG may bring together representatives from the Transformation Office, the Equality Unit, Employee Relations (with a focus on staff),

Student Affairs (with a focus on students), Student Discipline (with a focus on students) and Corporate Communication (with a focus on a CIRCoRe-oriented communication to the university community).

- c. Develop an integrated approach to incidents of discrimination and unfairness, emphasising a coherent and coordinated response. Such a response would aim to minimise omissions, and duplication of efforts, avoid confusion, advance individual and collective accountability, and align with equitable and just goals and outcomes.
  - d. Provide guidance on the best course of action or most appropriate policy instrument, depending on the matter at hand, with integrated support across responsibility centres.
  - e. Where applicable, provide guidance on communicating appropriately with the broader university community, including external stakeholders.<sup>1</sup>
9. The IWG is not a policy structure. It comprises five persons; the Senior Director of Social Impact and Transformation (convenor), the Head of the Equality Unit, the Head of CIRCoRe, the Director of the Centre for Student Counselling, and the Director of Employee Relations. The IWG is a coordinating, advisory mechanism that operates as a ‘practice’ ... a considered way of coordinated consulting and alignment that will deliver the best outcomes in terms of justice efficiency.
10. Existing policies are not impacted by this ‘practice note’. They continue to guide and inform university operations and functions until they are reviewed or amended where deemed appropriate.

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<sup>1</sup> Communications with respect to the identification, management, and responses to incidents of alleged discrimination and unfair practices will be guided by SU’s **Communication Regulation (2023)**, which emphasises humane and respectful information sharing that is sensitive to people living with disabilities, and cognisant of racial, gender, sexuality and cultural diversity. Such communications will strive to be just, impartial and fair.