CONFIDENTIAL

INVESTIGATION OF THE CONTENTS OF TWO ROOMS OF THE WILGENHOF RESIDENCE, STELLENBOSCH UNIVERSITY

REPORT

10 June 2024

Investigation Panel:

Adv. N. C. de Jager (Chair)

Dr D. Swemmer

Ms P. van der Bank

Executive Summary

1. The Rectorate of SU appointed this panel to investigate the contents of two rooms discovered in January 2024 at the University's Wilgenhof residence, namely –

    1.1. "*Hool 88*": a room on the ground floor of the main Wilgenhof building facing onto the quad; and

    1.2. The "*Toe Argief*" (Eng: closed archive; or "*TA*"), located in the 'Bachelors' wing of Wilgenhof adjoining the Wilgenhof Primarius' suite.

2. Hool 88 was the room where Wilgenhof's internal disciplinary committee, "the Nagligte", conducted their disciplinary activities at night. The TA contained a trove of Wilgenhof records and memorabilia, including Nagligte costumes, shoes and paraphernalia.

3. In performing its mandate, the panel *inter alia*:

    3.1. Studied copious written submissions.

    3.2. Studied various other documents, including SU governance documents, SU polices, SU codes, SU rules, documents relating to past incidents on campus, reports and so forth.

    3.3. Viewed the contents of the two rooms, together with an inventory thereof.

    3.4. Undertook site visits to Wilgenhof.

    3.5. Perused the 'official' SU photographs, showing the two rooms in their original state when opened in January 2024.

    3.6. Conducted numerous interviews with current and former SU staff, current and former SU students, and experts.

4. The two rooms were opened by SU authorities in the week of 9 January 2024.

5. The appearance and contents of the rooms were shocking. They were photographed: officially by SU and unofficially by other SU staff.

6. The contents of the two rooms were then immediately stored away from Wilgenhof in secure locations at SU. The two rooms were completely sanitised and repainted to remove any traces of their contents.

7. On 19 January 2024, the first Wilgenhof student residents returned. They were shocked and upset about the action that had been taken.

8. SU released an anodyne, internal statement telling its stakeholders in fairly neutral terms of the discovery of the two rooms.

9. The two rooms and their contents came to be publicised in the media on 27 January 2024, when unauthorised photographs were published in News24. The local and international news reports used some of the unofficial photographs of the two rooms. Questions were raised about how the photographs came to be leaked to the media. The panel was unable to get to the bottom of that.

10. This press coverage attracted considerable unwelcome attention to SU, portraying SU and Wilgenhof in a poor light. The symbols and apparent practices at Wilgenhof were connected with those of the KKK, Nazism and white supremacy. Mention was made of Wilgenhof practices involving nudity and sexually inappropriate behaviour and molestation.

11. This media exposé was a huge shock to the SU community of staff and students as a whole.

12. SU's initial statement was considered to have done more harm than good, because it was not open and forthright enough in condemning the two rooms and apparent practices comprehensively.

13. The two rooms and their contents made a very powerful, negative impression on staff and students entering and viewing them. Numerous people were overcome with shock, distress, emotions and tears.

14. SU should not immediately have stripped, repainted and sanitised the two rooms in the way, and at the time, that it did. The two rooms should have been sealed up to prevent access by anyone. SU should then preferably have crafted an inclusive process to ventilate the meaning and implications of this discovery for Wilgenhof and SU as a whole. This was a lost opportunity.

15. The disclosure of the two rooms has caused and exacerbated deep divides on campus, especially along racial lines. The panel recommends that SU should conduct facilitated dialogue with staff, students and their leadership. There is a great deal of anxiety, stress, emotion and reaction that needs to be shared and processed, by staff and students alike.

16. The panel recommends that SU's rules or procedures applicable to student accommodation must provide a process to ensure that all rooms in residences are periodically audited and inspected. It should not be possible for two rooms in a residence to remain locked and secreted from University authorities for years on end, as appears to have been the case with the two rooms in Wilgenhof.

17. The panel recommends that the University keep all items found in the two rooms in the SU Archive and/or the SU Museum, in accordance with its archiving principles and procedures. If the Wilgenhof Association or any ou-Wilgenhoffer claims the return of any item(s), they should address their requests to SU.

18. The South African historical context reflects a white, male Afrikaner- and Afrikaans-dominated world, in which the interests, aims and aspirations of *that* group of persons enjoys primacy. Until the dawn of democracy in 1994, South Africans who were not white were socially, politically, and economically excluded and disempowered by the white, racist nationalist government of the day. This marginalisation included the denial of meaningful tertiary educational opportunities.

19. Wilgenhof is a product of this national historical context. From its inception in 1903 until comparatively recently, Wilgenhof has effectively been a white, male, Afrikaner residence.

20. In 1914, the 'Nagligte' (Nighties) were formed as Wilgenhof's internal disciplinary committee.

21. The Nagligte were initially responsible for both the initiation ('doop') and residence disciplinary functions at Wilgenhof.

22. From around 1936 onwards, the Nagligte devoted their energies only to exercising discipline over Wilgenhof residents. The Nagligte would be elected by Wilgenhoffers annually. The Wilgenhoffer elected as "Chief" of the Nagligte would automatically serve as Vice-Primarius of Wilgenhof.

23. This Nagligte committee now comprises ten members elected annually by the residence in mid-September, to serve for a year. The Nagligte are an unofficial committee of the residence.

24. From time to time over the past 100 years, SU has acted to attempt to stop initiation rituals at the University, including the Nagligte disciplinary activities.

25. These attempts by SU were generally unsuccessful, with the result that the Nagligte disciplinary ritual has an (almost) unbroken history; there have been a few years when the Nagligte were banned, but they sometimes continued clandestinely, or were permitted to recommence. For most of the last 110 years the Nagligte have been active.

26. The Nagligte Disciplinary Ritual since 2002 played out as follows:

    26.1. On Tuesdays at lunchtime the 'crime' slips were handed out in the Wilgenhof dining room to students accused of breaking Wilgenhof house rules. The crime slip reflected *inter alia* the House Rule or "Pirates code" transgressed, and the accused had to indicate whether he submits to the discipline of the Nagligte or not.

26.2. If the student accepted Nagligte discipline, he would be woken up around midnight by the whole group of Nagligte, wearing their full black costumes, pointed hoods, banging on his room door.

26.3. Eerie noises and/or music was played in the quad, creating a sombre atmosphere.

26.4. The Nagligte spoke in falsetto voices.

26.5. They took the subject to hool 88 to be disciplined. Until 2020, the subject was naked throughout. Since 2020, the subject would wear only his vest and underwear.

26.6. Hool 88 was a grim place, with graffiti and symbols painted on walls.

26.7. Here the Nagligte berated and 'tore strips' off the accused, metaphorically speaking. The subject was forcibly made to answer for his offence.

26.8. The Nagligte imposed their sanction of varying quantities of linseed oil and bitter aloe crystals, depending on the seriousness of the infraction, which the subject had to consume there and then. He was then released back to his room.

27. The panel heard that, in 2023, Nagligte activities were taken off-campus, hosted with the assistance of a private company on a private farm. Those Wilgenhoffers who participated in this Nagligte 'loop' had to sign indemnity forms to do so.

28. The panel was assured that no 'doop' (initiation) activities now occur in Wilgenhof and, in any event, the two rooms played no direct role in 'doop'.

29. Wilgenhof's internal disciplinary ritual conducted by the Nagligte, however, is an extension of the 'doop' initiation rituals. This is because the Nagligte disciplinary ritual serves many of the core initiation-type functions of 'doop'.

30. This is achieved by the enforcement of a host of internal house rules against all residents by the Nagligte. These trivial rules include, for instance, prohibitions against wearing a cap in the dining hall. These rules do not warrant or attract discipline in terms of SU's Code or other rules. These rules are there merely to provide the substrate for the Nagligte to enact their weekly rituals, which are intended to meld residents into a conforming group which buys into the Wilgenhof culture and values.

31. The panel analysed the symbolism and enculturation functions played by the Nagligte ritual.

32. The Nagligte employ symbols and practices echoing the KKK:

32.1. The most striking and enduring symbols of the Nagligte are undoubtedly their black robes and pointed hoods. There are striking parallels between Nagligte costumes, symbols, practices, and late-night raids of the KKK.

32.2. The symbols represented by the costumes of the Nagligte cannot be separated from their meaning i.e. what they signify. One cannot reasonably conceive the Nagligte in their costumes (especially *in situ* in hool 88) without evoking the well-established notions of absolute power wielded by white men without consequence; the use of such power with impunity to coerce, oppress, to victimise, to humiliate; and of course, to enforce compliance with and adherence to values, norms or conduct.

32.3. The clear connection between such a ritual of discipline and enforcement, on the one hand, and the activities of the (white) apartheid police and security forces in the history of our own country, on the other, must be acknowledged as being real and painful to black South Africans.

32.4. Black newcomers to Wilgenhof, presented with the Nagligte ritual, can reasonably be expected to feel visceral fear, intimidation and pressure to conform.

32.5. As the experts conveyed it to the panel, however, no amount of "contextualisation" can dilute the imagery of the Nagligte in costume conducting their disciplinary ritual, and the meanings associated with that symbolism (as dealt with above), for persons who are not part of the dominant group.

33. The Nagligte use the number "88":

33.1. The number "88" is frequently used by the Nagligte on their costumes, to name the 'hool 88' and elsewhere.

33.2. Expert submissions to the panel confirmed that the number 88 has an established symbolism and association with white supremacy: the number references the phrase "Heil Hitler" or "HH", which becomes 88, when H (the eighth letter of the alphabet) is replaced with 8.

33.3. The number 88 was used in the two rooms and on their contents to convey notions of white supremacy.

34. The Nagligte ritual invades bodily integrity and dignity:

34.1. The subject facing discipline was originally hauled naked before the Nagligte, but since 2020 has been allowed to wear only shorts and a vest.

34.2. This increases vulnerability and heightens the physical exposure of the body and its subjection to the disciplinary authority. There is an inherent element of humiliation. The invasion of personal dignity is obvious. It is in that state of undress that the subject is berated by the Nagligte in hool 88, and the sanction of eating aloe crystals and drinking linseed oil is meted out there and then.

35. The Nagligte disciplinary system is designed to foster 'the group':

35.1. In light of the history of Wilgenhof, 'the group' was a largely white, male and Afrikaans-speaking group, with a high degree of homogeneity. SU's student body of today no longer shares these features to the same degree: today's 'group' is no longer the group that SU historically sought to serve.

35.2. Properly construed in context, the Nagligte disciplinary process is not one where genuine consent is freely given; or where the choice is not free of consequences. Indeed, it is a stark election which the student must make: it is either to conform to Wilgenhof's traditions, and thus to belong to the group, or to repudiate those traditions and to incur the repercussions of doing so.

35.3. It is important to bear in mind the fact that one of the benefits of having resided in Wilgenhof is access to the alumni network of ou-Wilgenhoffers. The value of this network cannot be overestimated. A reward for "opting in" to Wilgenhof and all its traditions is to become a member of this group and thereby to gain access to this valuable network. The price for "opting out" of Wilgenhof and its traditions, it follows, is exclusion.

36. Wilgenhoffers seek to explain the Nagligte ritual as just theatrical fun and humour:

36.1. This explanation, by way of justification, is what many ou-Wilgenhoffers rely on when they insist that the panel must consider the Nagligte, the two rooms and their contents "*in context*".

36.2. The panel accepts that many ou-Wilgenhoffers now look back on their discipline at the hands of the Nagligte as amusing or character-building. This, however, is not generally the experience to be expected these days, at a time when Wilgenhof is seeking to attract and retain a more diverse student body, and the University is striving towards greater diversity and inclusivity.

36.3. The essential elements of the ritual all convey absolute power. The theatricality or occasional humour does not mean that the ritual becomes less powerful in what it conveys to those subjected to it.

36.4. The consumption of alcohol played a role in these rituals. Put at its lowest, one would not expect the taking of alcohol before or during the ritual to moderate any of the adverse effects thereof for the subject. That, apart from the fact that alcohol consumption is banned in SU residences.

36.5. Though Wilgenhof espouses free and independent thought (and on that basis contends that Wilgenhoffers are free to make up their own minds whether to participate in the ritual or not), what seems to obtain at Wilgenhof is that free and independent thought is subservient to loyalty to the group.

37. Reunions are periodically held at Wilgenhof, during which ou-Wilgenhoffers demand to experience the Nagligte ritual:

37.1. These attitudes are rooted in the past and serve to sustain and invigorate these traditions even in circumstances where: (1) they are no longer relevant or useful today; and (2) the young residents of Wilgenhof themselves might be inclined to change or jettison them for their own reasons.

37.2. The voices of the ou-Wilgenhoffers are senior voices of those already initiated into the group; their views enjoy legitimacy and have the benefit of age and wisdom. The fact that ou-Wilgenhoffers can come onto the SU campus and relive these rituals demonstrates, at its lowest, that SU is not opposed to such activities in the name of tradition.

38. The Nagligte ritual is an outdated ritual incorporating well-established, negative symbols associated with white supremacy. It is an attack on the bodily integrity and human dignity of those who participate in it.

39. The Nagligte ritual is rooted in fostering the values and culture of the dominant white, male, Afrikaner group.

40. Staff and students of colour on the SU campus have generally been appalled and angered by the symbolism and activities represented by the Nagligte. They feel this is a throwback to the SU of old: this episode genuinely sets SU back in its transformation journey towards diversity and inclusivity.

41. The Nagligte disciplinary ritual is not inclusive, but exclusive.

42. The Nagligte ritual is out of steps with our constitutional and democratic principles; it is unacceptable and demeaning. The University has repeatedly sought to stamp it out or to achieve fundamental change to align these practices with the values of SU, to no avail.

43. The largely white, male, Afrikaans speaking group of ou-Wilgenhoffers (with a lesser number of white, male English-speakers, too), simply do not see or accept that the Nagligte ritual in hool 88 has these deeply troubling and divisive features. This is in itself profoundly problematic.

44. The justifications put up by Wilgenhoffers to substantiate the value of the Nagligte ritual are not persuasive. They take no or insufficient account of the University's drive to transform and include all South Africans in keeping with the rights and values of the Constitution.

45. It is apparent that Wilgenhof's culture including the Nagligte ritual conflicts with SU values, ethics and human dignity:

    45.1. Wilgenhoffers take pride in keeping their activities and rituals secret from any outsiders. This is fostered by the use of Wilgenhof slang.

    45.2. This culture – the desire to perpetuate divisive disciplinary rituals protected by a culture of secrecy – is profoundly destructive and unhealthy. It contradicts SU's values, ethics and aspirations insofar as it seeks to foster diversity, inclusivity and transformation.

    45.3. It is also a central element of Wilgenhof culture that it considers itself to be set apart from the rest of the University and a law unto itself. This attitude runs counter to the values and aspirations of the University, and entrenches the majority white, male, Afrikaans culture of Wilgenhof, which subsists to the present day.

    45.4. Wilgenhoffers resist the authority of the University. They think that *they* know best how to regulate their affairs, because their culture is superior. Critics of Wilgenhof do not – and could not – understand Wilgenhof culture.

    45.5. Wilgenhoffers do not accept the authority of the University fully, that is why they are not be prepared to genuinely acknowledge the harmfulness of the Wilgenhof culture and rituals.

    45.6. The few minority voices (i.e. in this context, black, brown), who actually speak out against the harmful practices at Wilgenhof, must be heard and taken very seriously.

    45.7. SU's history of attempts to stop Wilgenhof's 'doop' and disciplinary practices have failed. The latest example of this occurred in 2020, in the incident leading up to Wilgenhof's "Renewal" initiative. Notwithstanding such "Renewal", the panel noted: (1) the retention of hool 88 and the contents of the TA "as is" (for what purpose, one asks, if not to use the rooms and all the Nagligte paraphernalia once again in the future for

disciplinary practices); (2) the continuation of Nagligte activities in residence; and (3) a Nagligte 'loop' having occurred off-campus on a private farm.

45.8. The Wilgenhof community think that that *they* "own" the residence. This sense of "ownership" is a deeply-held view among the mainly white, male, Afrikaans-speaking community of Wilgenhoffers past and present, who take pride in the facts that: (1) Wilgenhof pre-existed the University itself; and (2) they raised half the money needed to replace the original Wilgenhof residence building.

45.9. This sense of ownership is also manifest in the fact that the Members of the Wilgenhof Bond" – *not* the University – have secured the registration of the names "Wilgenhof", "Willows" and "Die Plek" in their favour; and

45.10. All this feeds into a profound sense that the Wilgenhof community (the white, male, Afrikaans-speaking community of Wilgenhoffers past and present) owns the residence and that Wilgenhof is special and set apart from any other residences at the University.

46. The panel identified a strong theme that the identity of Wilgenhoffers as such – primarily *Wilgenhoffers* – surpasses their identity as *Maties*. Loyalty to Wilgenhof (not the University) is paramount. This cannot be allowed to continue.

47. All residents of Wilgenhof must be able to feel welcome and included. This is not fostered by the Wilgenhof culture, and the traditional Nagligte disciplinary ritual at its core. In a modern society founded upon democratic values, with *inter alia* transformation, diversity, inclusion and dignity at the forefront, there is no place for the Nagligte ritual.

48. Wilgenhof's culture and practices, as identified by the panel, bring the University into disrepute.

49. The Council and Senate are committed to leading SU into a new era while retaining its pursuit of excellence. This requires behaviours and commitment from all members of the University that will cultivate a university characterised by inclusivity, deep and intentional transformation, and diversity. Wilgenhof's culture and practices cannot be allowed to undermine this.

50. SU is committed to creating opportunities for the advancement of multilingualism in academic, administrative, professional and social contexts, whilst recognising the intellectual value inherent in linguistic diversity. Inevitably the University will continue to see changes in the size, shape and mix of its student population and of the academic programmes to mirror the strategic direction of Vision 2040. The practices of the Nagligte, facilitated by Wilgenhof's culture, do not meet this standard.

51. SU will not succeed in its transformative mission – of becoming a leading university in Africa – if it allows such traditions to create an environment that repels outstanding students from different backgrounds; or, if such students do join the institution, they are alienated when exposed to practices that should no longer have a place in the University.

52. The abiding overall message from most of the experts who addressed the panel is that SU cannot adapt or alter such entrenched traditions and bigotry. Wilgenhof culture will not change of its own accord. This is apparent from Wilgenhof's own earlier attempts at self-renewal, which have evidently failed to bear fruit. The only viable solution to rooting out these harmful elements for good is to shut down the residence and turn a new page of history.

53. The **main and most important recommendation** of the panel is that Wilgenhof be permanently closed. Other recommendations are also offered pertaining to the other Parts of this report, but they are not set out in this summary.

54. The panel was also asked to comment on the question of possible contraventions of SU Policies, Regulations, Rules or Disciplinary Codes. For mainly practical reasons, the panel considered the SU Disciplinary Codes in 2009, 2017 and 2019, and Residence Rules in respect of the years 2012, 2020 and 2023.

    54.1. Provisions of the Codes were almost certainly transgressed through the activities of the Nagligte over the relevant periods. Similarly, provision of the Residence Rules were also transgressed: the Nagligte are not a recognised disciplinary structure in terms of the Code or the Residence Rules and their activities are all in breach of those instruments.

    54.2. In general, the panel did not, however, receive or note any complaints of specific transgressions during the relevant periods while these Code and Regulations were in effect, and thus does not make any specific findings or recommendations in that regard.

    54.3. It is naturally up to the University to consider whether, given the long lapse of time applicable to most of the events, the University retains any jurisdiction to take such action and, if so, whether any disciplinary action is warranted. In light of the recommendations made in this report, the panel recommends that no disciplinary action be taken.

55. The panel does not consider that the Nagligte activities have necessarily been "covered up". They were clearly, however, an open secret:

    55.1. As long ago as 1964, the architect's plans for the new Wilgenhof building show the Nagligte's discipline room clearly marked as "KAMER 88". Those plans must have been reviewed and approved by senior SU administrators.

55.2. Until 1 December 2023, all former Residence Heads of Wilgenhof were ou-Wilgenhoffers. They knew and experienced the Nagligte both as students and staff. They obviously knew of the two rooms, too.

55.3. The Residence Head has a reporting line to senior managers in the SU administration, via the [redacted], [redacted], [redacted] and ultimately to the [redacted].

55.4. The degree to which staff throughout that reporting line might have come to know about the Nagligte activities was not apparent to the panel.

55.5. In 2019, two anonymous complaints from Wilgenhof students were handed in. These complaints set out in some detail the treatment that they suffered in Wilgenhof, including in connection with Nagligte activities. These complaints were not escalated to the level of the Rectorate, as they should have been. The [redacted] failed the students in this regard, who were brave enough to come forward and speak out.

55.6. The [redacted] must have been aware of the traditional rituals and activities in Wilgenhof, due to his extensive term in office.

55.7. The [redacted] and [redacted] of Wilgenhof would obviously have known about the Nagligte activities.

55.8. The [redacted] and the [redacted] knew that there were strange "goings on" at Wilgenhof, but they had no specific idea what, or the serious nature thereof.

Contents

Part 1: Introduction

The Appointment of the Panel

1. On 12 February 2024, the Rectorate of Stellenbosch University ("***SU***" or "***the University***") appointed a panel comprising Advocate Nick de Jager (chairperson), Dr Derek Swemmer and Ms Penny van der Bank (collectively "***the panel***") to investigate the contents of two rooms which were discovered in January 2024 at the University's Wilgenhof residence.

2. On the same day the panel was issued with its Terms of Reference.[1] In terms thereof, the panel has been mandated to conduct an investigation into the contents of the two rooms with the following objectives: [2]

    2.1. to draw an understanding of the historical, cultural and symbolic dimensions of the contents and functions of the two rooms and to consider this against the background of enculturation practices of Wilgenhof residence, and to advise the Rectorate accordingly;

    2.2. to consider in detail the significance of the contents and functions of the two rooms within the broader institutional culture and operations of SU residences;

    2.3. to assess if and to what extent the records, practices and general culture of Wilgenhof are inimical to the values of the University and may involve encroachment on the human dignity of current and past SU students and staff;

    2.4. to establish whether unacceptable practices and Wilgenhof over time have been protected or covered up by the University staff, alumni or students; and

    2.5. to assess whether there is evidence of conduct in contravention of any SU policies, regulations, rules or the Disciplinary Code for Students of SU bypassed and/or current student leadership and/or management of Wilgenhof.

3. The Rectorate's aim in appointing the investigation panel is to ensure that the panel acts towards assisting in the realisation of the transformation of the University culture consistent with SU's Vision 2040.[3]

[1] Appendix 1
[2] Terms of reference para 2.
[3] Terms of reference para 3.

4. The panel is required to report to the Rectorate after completing its functions in respect of the stated objectives of the investigation, and the panel may provide any recommendations it may wish to make to the University.[4] This is that report.

5. This report is structured as follows:

   5.1. First, the report deals with how the two rooms came to be opened during January 2024; the appearance and contents of the two rooms; and how the disclosure of the rooms affected the SU community and Welcoming;

   5.2. The report then sets out the historical, cultural and symbolic dimensions of the contents and functions of the two rooms;

   5.3. The report then addresses the contents and functions of the two rooms within the broader SU culture;

   5.4. The report then explains why Wilgenhof culture and practices are inimical to SU values, human dignity and the operations of residences;

   5.5. The report then addresses whether any SU policies, regulations, rules of disciplinary codes have been contravened;

   5.6. The report then deals with whether unacceptable practices at Wilgenhof have been covered up; and

   5.7. Finally, the report draws together the panel's conclusions and recommendations.

The Panel's Process and Approach

6. This report is prepared for the Rectorate and is confidential.[5]

7. Having been appointed on 12 February 2024, the panel set about planning and pursuing its mandate.

8. The panel's terms of reference were published on the SU website on 14 February 2024.

9. The panel requested the University to invite stakeholders to make submissions to the panel.[6]

10. On or about 19 February 2024, an invitation was addressed to the University staff and students, inviting submissions to the panel.

[4] Terms of reference para 4.
[5] Terms of Reference para 4, 19.
[6] The invitation is at appendix 3.

11. On or about 22 February 2024, an e-mail was distributed to all Wilgenhof Alumni via the SU database, with a note from the Wilgenhof Association. In this note, the Chair of the Wilgenhof Association called on their members to participate and assist the panel in its investigation.

12. On or about 24 February 2024, former and current SU students, the Convocation and SU staff members were invited to submit information that might assist the panel in its investigation.

13. The initial deadline for written submission was 29 February 2024. It was extended to 8 March 2024.

14. By the closing date, the panel had received written submissions from 288 persons comprising some 1207 pages. It is noteworthy that very few submissions were received from people of colour.

15. In addition to the written submissions, the panel took into account various other documents, including SU governance documents, SU polices, SU codes, SU rules, documents relating to past incidents on campus, reports and so forth.

16. One of the panel members, who is also a member of the SU staff, was also able to view the rooms and their contents in their 'original' state when they were opened in January 2024, before they were dismantled. This first-hand knowledge and experience were valuable to the panel.

17. The panel viewed the contents of the two rooms in storage.[7]

18. The panel undertook site visits to Wilgenhof. The first visit was on 26 February 2024 the panel conducted a site visit with the Residence Head, to familiarise itself with the layout of and facilities at Wilgenhof, the location of the two rooms and the general look and feel of the space and its surroundings. The panel made a further site visit on 20 May 2024.

19. The Wilgenhof Association requested access to the inventory.[8] They also laid claim (on behalf of their members) to some or all of the contents of the two rooms. The panel adopted the stance that the disclosure of such information and dealing with that claim should properly be dealt with by SU. The panel has consistently held the view that this investigation should be conducted as openly and transparently as reasonably possible.

20. The panel also had access to the 'official' SU photographs of the two rooms and their contents. These photographs show the two rooms in their original state when opened in January 2024, before any contents were removed and the two rooms

[7] The panel was also given access to the inventory of the contents of the rooms.
[8] The panel did not draft the inventory; SU did. The inventory belongs to SU and remains in its possession.

cleaned and restored. This aspect will be dealt with in some detail under the next section.

21. The panel conducted 59 interviews in the period between 15 March 2024 and 10 May 2024. The interviewees included:

    21.1. Current and former Wilgenhoffers; the [redacted] and [redacted] of Wilgenhof; [redacted] and prior [redacted] of Wilgenhof; and representatives of the [redacted].

    21.2. Current and former students from other residences and Commuter Student Communities, including Monica residence, Harmonie residence and Silene (Commuter Student Community).

    21.3. [redacted], including [redacted] and [redacted], their [redacted], the [redacted] and [redacted].

    21.4. Numerous members of SU management and internal stakeholders, that provided insight into relevant residence processes, activities, structures and administration.

22. SU undertook to make available to the panel academic and professional expertise to consult on various academic fields, traditions and culture at SU and SU residences.[9] In that regard, the panel was assisted by nine experts in the fields of Sociology, Social Anthropology, Clinical Psychology, History and Political Philosophy. These expert insights were very valuable to the panel in undertaking its work.

23. The panel referred to various books, articles and other publications during its interviews, deliberations and in preparing this report.[10]

24. The panel met frequently to conduct its interviews, deliberations and complete its mandate. Given the wide scope of the panel's mandate, extensions of time were sought and granted to complete its work and submit this report.

25. During the panel's interviews with internal stakeholders of the University, the panel was informed that SU's "*black constituency*" fundamentally questions the credibility of the panel, because the panel is "*not representative*" from the perspective of "*transformation*". The panel merely records this for the information of the Rectorate.

26. The view was also expressed to the panel during interviews that SU did not use its existing structures in dealing with the two rooms and their contents, specifically the Equality Unit and CIRCoRe (specifically its workstream focused on Student

[9] Terms of reference para 3.
[10] A bibliography is attached at the end of this report.

Life/Communities). The panel was told that these established structures could and would have been better placed to deal with these matters and undertake this investigation, and the appointment of yet another panel was regarded as unnecessary. Again, this is recorded for the information of the Rectorate. The panel does not speculate on why the Rectorate considered it appropriate to engage the panel for this purpose.

27. The panel was also informed during interviews that, because photos of the two rooms had evidently been "leaked" to the media, some SU stakeholders, who would have wanted to contribute to the investigation, refrained from doing so for fear that their identities might be disclosed, and they might face retaliation or negative consequences for speaking out. The panel was unable to establish how those photos came to be in the possession of the media houses, who then published them.

Acknowledgements

28. The panel notes that the inclusion of an appropriate SU staff member among its membership has been invaluable in providing institutional knowledge and insights, experience of SU life in general and prompt access to relevant and useful information.

29. The panel thanks all those who made written submissions and who addressed the panel in person during interviews. Thanks are also due to the SU experts and the single external expert who gave generously of her time, who valuably assisted the panel.

30. The panel is indebted to its secretariat, Mr Yaseen Cariem of VanderSpuy Cape Town, who provided excellent secretarial and administrative support functions to the panel.

31. The panel thanks SU Legal Services for providing hosting services and access to the necessary platforms and support.

Part 2: The Disclosure of the Two Rooms and their Contents

32. Under this subheading, the report deals with:

    32.1. The way in which the two rooms in question came to be opened up and their contents disclosed;

    32.2. The contents of the two rooms; and

32.3. The reactions of SU staff and students, and the effect that the opening of the two rooms had on those persons.

Public Disclosure of the Two Rooms

33. The two rooms in question were referred to by Wilgenhoffers and ou-Wilgenhoffers[11] as:

33.1. "*Hool 88*".[12] This was a room on the ground floor of the main Wilgenhof building facing onto the quad. Media reports during January 2024 coined the term "*strafkamer*" (Eng: punishment room) in reference to this room.

33.2. The "*Toe Argief*" or "*TA*" (Eng: closed archive).[13] The TA was located in the 'Bachelors' wing of Wilgenhof, in the room adjoining the Wilgenhof Primarius' suite. The TA contained a trove of Wilgenhof records and memorabilia including "Nagligte"[14] costumes, shoes and paraphernalia.

34. During 2019, the Centre for Student Life and Learning[15] received two anonymous reports from students about their unpleasant experiences at Wilgenhof, referring to some of the practices of the Nagligte during '*vleisfees*'.[16] These reports mentioned the two rooms. Another student, also anonymously, reported having an unpleasant and traumatising experience in Wilgenhof during 2022, also at the hands of the Nagligte.[17]

35. The panel also learned that staff from the Division for Student Affairs had previously asked Wilgenhof residents to show them the "two rooms" (although they did not know what they would find or where they were located). The staff told the panel that the residents did not accede to the request, though Wilgenhof representatives deny this.

[11] Previous residents of Wilgenhof.
[12] Part of Wilgenhof's culture, as explained further below, includes the use of its own slang vocabulary. An example of this is that a residence room is referred to using the Afrikaans word 'hool', meaning a den or lair.
[13] The TA is distinct from the (open) archive of Wilgenhof, which comprises a room in the residence where Wilgenhof history, photographs and memorabilia are displayed in a museum-type setting. That room is not part of this panel's investigation.
[14] The Nagligte are Wilgenhof's secret, internal disciplinary committee. This aspect will be dealt with in great detail in this report.
[15] Previously known as the Centre for Student Communities.
[16] A Wilgenhof traditional event during which first years are introduced to the Nagligte.
[17] These reports were formed the basis of conversations between Wilgenhof and the SU administration, in an effort to bring about change to these questionable Nagligte activities. At this stage the staff working with Wilgenhof were undermined due to the findings of the External Disciplinary Panel that looked into welcoming practices at Wilgenhof in 2020.

36. The panel was also told that the staff working in the Division for Student Affairs[18] had requested Wilgenhof staff to be on the lookout for strange items, artefacts and symbols, because they suspected strange activities were happening in Wilgenhof.

37. Against that background, staff from the Division for Student Affairs planned to search for these rooms during the December 2023/January 2024 recess.

38. Around 21 December 2023, a staff member of the Division for Student Affairs contacted the newly appointed Residence Head for Wilgenhof,[19] asking to do a 'walkabout' in Wilgenhof.[20] Nothing happened in this regard until January 2024.

39. On or about 9 January 2024, SU Facilities Management staff opened the locked door of hool 88 in the presence of the internal stakeholders from SunCom and Division for Student Affairs.

40. SU Student Affairs staff took some photographs of hool 88 and its contents. These are not the official photographs that were later taken to document officially the contents of the two rooms.

41. On or about 12 January 2024, the TA was located and opened by SU Facilities Management staff.

42. The week of 9 January 2024 was the first time that staff members of Student Affairs became aware of the location of the two rooms. No doors were violently broken open or damaged to enter the rooms, as was suggested in the media. It was necessary to open the locked doors with the assistance of SU Facilities Management, however, because the door keys could not be found at Wilgenhof. The assumption was that the keys to the two rooms were kept by Wilgenhof House Committee members.

43. On or about 12 January 2024, the Deputy Vice-Chancellor (Learning & Teaching) was informed of the discovery of the two rooms and their contents, in broad terms. He was still out of town on annual leave at the time. He arranged to view the two rooms on his return to SU on Monday, 15 January 2024. Before this, he was not aware of the existence of the two rooms, and the earlier anonymous complaints/witness statements never escalated to his level nor were they brought to the attention of the Rectorate.

44. The Rector and Vice-Chancellor was informed of the discovery of the two rooms and their contents, in broad terms on or about 15 January 2024. He, too, was unaware of the existence of the two rooms or the state they were found in. He

[18] Wilgenhof, together with Monica, Harmonie, Silene and Ode Molen comprise the Victoria Cluster of SU residences. As referenced in paragraph 424 below, the Cluster system plays an important role in residence life and administration.

[19] Wilgenhof's new Residence Head assumed office as such from 1 December 2023.

[20] The 2023 academic year officially ended at 12h00 on 22 December 2023.

ordered that the rooms should immediately be dismantled, and the contents removed.

45. The contents of the two rooms were removed from Wilgenhof in the period 15 to 17 January 2024. During this period an inventory of the contents was prepared,[21] and the two rooms and their contents were thoroughly photographed by SU.

46. The contents of the two rooms were stored away from Wilgenhof in secure locations at SU.

47. After everything that could be removed had been removed from hool 88 and the TA by SU staff, on about 17 to 18 January 2024 both rooms were completely 'sanitised' by being repainted, cleaned and restored, to remove all traces of the condition in which they had been found in the preceding days.

48. On 19 January 2024, the first Wilgenhof student residents returned: the House Committee ("***HC***", also referred to by its Afrikaans acronym "***HK***") moved back in to prepare for Welcoming (which was due to commence several days later). It is the practice that HK members and mentors move in at least a week before the first years arrive on campus to ensure that the preparations are in place to welcome newcomers to campus and student communities.

49. Prior to the release by SU of its media statement on 26 January 2024, SU was notified by the media that they had photographs of the two rooms and requesting comment from SU.

50. This caused SU, on or about 26 January 2024, to issue its first statement to internal stakeholders dealing with the discovery of the two rooms. The statement was also shared with the media.

    50.1. The statement set out background information to demonstrate SU's endeavours to be an inclusive, diverse and welcoming place for all, including references to new/revised policies and rules.

    50.2. The statement referred to the University's Committee for the Institutional Response to the Commission's Recommendations ("***CIRCoRe***"), which was established to address the recommendations of the Khampepe Report, and which focuses on the entire spectrum of student life and develops proposals to align the practices of all University environments responsible for facilitating an inclusive student experience at the University.

    50.3. The statement indicated that the "*disturbing items*" found in the two rooms of Wilgenhof during an "*audit*" had been stored away and that a

[21] Refer to appendix 2.

panel would be appointed to review the items and advise on appropriate next steps.

50.4. The statement recorded the Rector's request to let the panel do its work.

50.5. The statement said that Welcoming would proceed as usual, and that SU was committed to the safety, security and wellbeing of everyone on campus.

51. On 27 January 2024, the story broke in the media on News24.

51.1. News24 set up a webpage dedicated solely to this story, which ran for several weeks.[22]

51.2. The photos that were used as part of its initial exposé and subsequent articles were not released by the University through official channels.

52. The panel was unable to establish how the photos of the two rooms came to be in the possession of the media. The individual who took the photos had shared them with others in their reporting line, but not with the media. The photos were widely shared internally at SU among those in authority. Any number of people had access to the photos.

53. Whether the photos were deliberately "leaked" and, if so, whether the leak was malicious or motivated by some other purpose (e.g. mistrust of those in authority at SU to deal with the matter) is not apparent. It was suggested to the panel that the photos may have been leaked to the media due to the staff member or student concerned taking matters into their own hands, because they feared that the University might otherwise sweep the matter under the carpet. Another version presented to the panel was that the photos were leaked due to the "vague" first statement issued by the University. This version did not, however, align with the chronology of events, because the media already had the photos *before* the statement to internal stakeholders was released.

54. Irrespective how the photos came to be in the possession of the media, the result was that they were published and presented to the public in a sensational way, without any apparent regard for the secondary trauma that might be caused as a result (about which the panel heard testimony).

55. The local and international media coverage attracted considerable unwelcome attention to SU, portraying SU and Wilgenhof in a poor light. The media coverage described the symbols and apparent practices at Wilgenhof as employing symbols associated with the KKK, Nazism and white supremacy. Some made

[22] The webpage was entitled "*Wilgenhof: The dark side of initiations*" (news24.com).

mention of Wilgenhof practices involving nudity and contained suggestions of sexually inappropriate behaviour and molestation.

56. Many SU staff and students who gave interviews to the panel criticised SU's initial statement of 26 January 2024. They felt that it was too vague and "did more harm than good". The panel is mindful that SU was operating under significant pressure when the statement was released, but the guarded, non-specific and 'legalistic' wording of the statement failed to calm matters, and instead seemed to contribute to the public furore, speculation and mistrust. The panel heard that SU's media statement fuelled a range of negative emotions raging at the time (anger, distrust in SU management, confusion, speculation, accusations that SU is untransformed institution more focussed on its reputation than the interests of its own stakeholders; etc), that could reasonably have been prevented or limited, had SU issued a more open and forthright communiqué. That said, the panel acknowledges that it has the benefit of hindsight and perhaps lacks certain material facts and circumstances that contributed to SU's decision to issue the media statement in the form that it did.

Appearance and Contents of the Two Rooms

57. By way of overview –

    57.1. Hool 88 is the room where the Nagligte conducted their disciplinary activities. The items found there relate directly to those activities.

    57.2. The items stored in the TA comprise a rich archival record of the activities at and events of Wilgenhof, since its earliest days to date. The comprehensive nature of this record is no doubt due to Wilgenhof's long-standing practice of electing an 'archivist' (Afr: Argivaris) to the House Committee. This residence records everything. There are records of House Committee meetings over the years, disciplinary processes of the Nagligte, records of "crimes", poems, sheet music, artworks, to name but a few. There are also books, periodicals, anniversary publications, photographs, posters, sketches, records of events, artefacts, examples of costumes, curiosities (such as a gravestone for the departed squirrel) and many other historical pieces.

Hool 88: Appearance and Contents

58. This is a description of hool 88 as it appeared when it was opened on 9 January 2024.

59. Viewed from the Wilgenhof quadrangle, the closed door of hool 88 looked just like any other room door, apart from the fact that the window above the door was painted dark green.

60. Hool 88 was situated close to 'Mrs Jones': the Wilgenhof slang term for the ground floor toilets in one corner of the quad.

61. The door of hool 88 opened onto the quad, in full view of most rooms on the opposite side (the 'long' side) of Wilgenhof. Hool 88 appeared slightly smaller than the 'average' university residence bedroom.

62. Upon entering hool 88, entrants were struck by a strong, unusual and unpleasant smell, which is difficult to describe. The panel later learned that the bad smell was most probably the result of the 'golden handshake' ritual, which involves pelting the Nagligte with eggs, condoms filled with vinegar, sour milk and so forth, in and around the entrance to hool 88.

63. The overall appearance of the room was dark, menacing and intimidating. The floor was dusty and dirty. It had evidently not been cleaned for a long time, seemingly forever.

64. The base colour of the lower half of the walls was black. The upper half of the walls and the ceiling were once painted white. All four walls from floor to ceiling were densely covered with names painted in various colours and sizes. The panel heard evidence that these were the names of previous 'Nagligte' ('Nighties'). Some of the names had the year written next to them. It is unclear when the practice of the Nagligte signing their names on the walls was started, but it appears to stretch back decades.

65. The small windows at the far end of the room (opposite the door) could not be opened. They were painted black and letters were written on the windows.

66. There was a loose door standing upright in the corner at the far end of the room leaning against the wall. On the door was painted a picture of the black hood worn by the Nagligte.

67. There were several drawings of male genitals on the walls.

68. In one corner of the room was an old wine barrel. An empty beer can, sunglasses, a candle wrapper for six candles, cigarette butts, a pair of braai tongs, an oil or paraffin lamp, what looked like an empty aloe crystal container and a cloth crumpled on the wine barrel.

69. In the corner behind the door was a wooden garden bench ('Wilgenhof' stencilled on it in white letters), together with the lid of a small black JoJo tank and a black bin on it; and a plastic bag. Behind the bench was a plastic chair splashed with paint, a frame of some sort and the lid of a black plastic crate.

70. Close to the entrance door was a "direction indicator" sign, pointing at nothing in particular. Two tyres, a table covered in debris and a wooden stump were also standing there.

71. On the windowsill were several small tins of black paint; a 5l plastic container; and a container of aloe crystals. Most of the panels in the window were painted black.

72. The image of a Naglig hood was painted on the back of the main entrance door to hool 88, with white outlines around the eyes and mouth.

73. The number '88' was painted on the inside wall above the main entrance door to hool 88.

74. The window above the door was mostly painted green and very little light shone through.

75. The letters DMTMKGW were painted on the inside of the door. This acronym stands for "*Dankie menere. Totsiens menere, Kom Gou Weer menere*" (Eng: "*Thank you Sirs, Goodbye Sirs, Come again soon Sirs*") the ritual greeting addressed to the Nagligte.[23]

76. There was trash (plastic bags and papers) littering the floor. The room generally appeared unkempt and dirty. There were eggshells, egg boxes, used matches, condoms, water balloons and other sticky substances on most surfaces. It was explained to the panel that these items played a role in the "golden handshake" ritual (described in paragraph 212 below).

77. With the door closed, hool 88 was pitch dark. The ceiling lightbulb of the only light fixture in the room had been removed.

Toe Argief: Appearance and Contents

78. The TA is described as it appeared when opened on 12 January 2024.[24]

79. The TA was situated on the ground floor of the 'Bachelors' wing of Wilgenhof. It could be accessed from the outside by its own dedicated entrance or though Bachelors.

80. The TA adjoined the suite of rooms (bedroom/study, sitting room) occupied by the Primarius. To enter the TA from the Bachelors' side, one had to pass the Primarius'

[23] Another version of the same greeting the panel was told during an interview is "GDMGNMKWM" ("Goeie dag Menere, Goeie Nag Menere, Kom Weer Menere"; The original greeting appears in the Gedenkboek see p. 40 of the Gedenkboek (1903 to 2003)).

[24] Across the passage outside the Primarius' suite is another, separate Wilgenhof archive. This archive is open to any visitors to the residence. It is expensively furnished with wood and glass cabinets, as one might find in a museum display. It exhibits photographs, memorabilia, documents and so forth collected over the many years of Wilgenhof's history. This (open) archive falls outside the scope of the panel's terms of reference.

bedroom and go through his sitting room. The TA and the Primarius' bedroom shared a wall.

81. The TA contained many personal items belongings to a recent [redacted]. They seem to have used the TA as a personal storeroom, too.

82. There was alcohol of various kinds, bottled water and mixers (e.g. tonic) in the TA.

83. The walls of the TA were painted completely black. Black blinds covered the windows. The ceiling was natural wood with solid wood beams. The floor was tiled.

84. The smoke sensor was covered with a plastic bag, preventing it from functioning as such.

85. The TA was untidy. It was dirty, but not to the same degree as hool 88.

86. The substantial quantity of items found in the TA fell broadly into the categories described below.

87. Nagligte costumes:

87.1. The centrepiece of the TA was a glass cabinet containing a mannequin dressed as one of the Nagligte: it was wearing a black robe, black pointed hood and bearing a torch in one hand. This glass cabinet was a striking symbol, holding pride of place in the centre of the TA.

87.2. The Nagligte flag was draped over the top of the cabinet.

87.3. A large, round, yellow "pig's head" mask, once routinely worn by the Chief of the Nagligte (the [redacted]) during their 'lope', was placed on one window still. There was also a black mask in the shape of a crow's elongated, sharp beak.

87.4. On both sides of this "pig's head" display hung numerous black hoods and robes: the costumes of the Nagligte. The tops of the hoods were pointed. The hoods were designed to cover the head entirely, draping round the neck and resting on the shoulders.

87.5. Below the robes were several pairs of shoes (similar to industrial boots), 'vellies', gumboots and safety boots.

87.6. It was explained to the panel that these robes, hoods and shoes were worn by the Nagligte to hide their identities when carrying out their nightly disciplinary ritual – referred to in Wilgenhof Afrikaans slang as a 'loop' (plural: 'lope').

87.7. Several hoods bore the number "88".

87.8. Some of the hoods had white outlines drawn or painted around the mouth- and eye-openings.

87.9. For Wilgenhof's recent centenary reunion, some personalised hoods were made bearing the names of ou-Wilgenhoffers. These hoods were also in the TA.

87.10. The hoods and robes were filthy and foul-smelling. The smell was caused by a combination of several factors: firstly, it seems that these robes were never washed; secondly, they were used by the Nagligte every week for their 'lope', and no doubt picked up considerable dirt and sweat as a result; and thirdly, they were annually drenched in a combination of eggs, vinegar and sour milk (*amasi*), with which the Nagligte are pelted during the 'golden handshake' ritual.

87.11. On a table covered with black fabric were several black, wire mesh masks (for covering the mouth and nose only) with white skulls spray-painted on them.

87.12. There were also plastic toy weapons, including a scythe and axe, carried by the Nagligte during their 'lope'.

88. Photographs (framed and arranged in albums):

88.1. Against one wall of the TA was a filing cabinet and a display cabinet, displaying photographs, books, documents and other materials.

88.2. On another wall of the TA were mounted the annual framed group photographs of the Nagligte (professionally photographed), arranged chronologically. There were many of these photographs, clearly going back decades.[25] In each photograph the Nagligte are shown wearing their full costume (black robes and shoes) but holding their hoods so that their faces can be seen. Their names are printed below the photographs. The pig's head mask (once worn by the Chief) also features in these photos.

88.3. There were several photo albums and framed photos lying around together with the Nagligte masks. The photo albums contain many photos

[25] The wall resembled what one might find in a sports clubhouse, where framed photographs of the First *XV* rugby team are proudly arranged on the wall for posterity.

going back many years, depicting *inter alia* various welcoming and other traditions in Wilgenhof, such as the "*slootjie*";[26] "*galg*";[27] and "*seeptafel*".[28]

88.4. There was a striking photograph of a huge bonfire in the quad of Wilgenhof, surrounded by naked Wilgenhoffers evidently cheering.

88.5. A photo of two naked men, one seated on the shoulders of the other. In the photo album, the original was described as two students walking past Wilgenhof and shouting "*bekfluitjie*".[29] They were apparently caught, made to strip naked and perform for the Wilgenhoffers. They are shown surrounded by Wilgenhoffers. The photo is from 1957.

89. Various other items:

89.1. A casket stood against one wall, containing a doll dressed as one of the Nagligte. The sign at the head of the casket read "*nokturnus horribalus*" (play-Latin indicating 'horrible night').

89.2. There were several sketches and paintings portraying the Nagligte as mighty agents, with apparent admiration and reverence.

89.3. A very large, framed timeline of Wilgenhof referenced *inter alia* the banning of initiation practices and/or the disciplinary practices of the Nagligte; and boasted of their continuation/resumption.

89.4. Several empty bottles of wine.

90. Various substances:

90.1. On a wooden chest of drawers were two bottles containing a strange, unidentified concoction. There appeared to be a bin full of the same liquid fermenting in the corner of the TA.

90.2. On a filing cabinet was a small container of aloe crystals (still within its 'expiry date'), a 5l bottle of linseed oil and a pot containing a black substance, possibly black paint.

[26] Blindfolded students are pulled through a short water gutter or channel (a few metres in length), having first been made to believe that they were to be pulled through a dark, covered, watery channel running under the Wilgenhof quad.

[27] Blindfolded students are secured to a rope and hoisted over the quad, while being made to believe that they are very high. They thus believe that, if they lose their grip, they will plummet several stories. They strive to hold on for dear life. In actual fact, they are only a metre or two above the ground and, when they inevitably lose their grip, they land safely on a pile of mattresses.

[28] Students (scantily clad) sometimes tied or pressed down on to a table and put through a ritual.

[29] This word translates to English as "harmonica", which is what the side of the Wilgenhof building resembles when viewed from the road.

91. Scrolls

91.1. There were several scrolls dating from 1936 to 2004, some lying in one of the corners of the TA and the other standing upright in a basket resembling a washing basket.

91.2. The scrolls make proclamations to Wilgenhoffers, warning them of a terrible event: '*Nocturnus Horribalus*' (play-Latin indicating 'horrible night') or '*Hof der Wilgen*' ('Court of Willows'), where they will receive their punishment: '*De Volbrachters des vonnises en den bloedwrekers*' (roughly translated, executors of the sanctions and avengers of blood); '*Ordonnantie inde De Kreet*' (roughly translated as Ordinances in the Creed); '*Magnus Rex Siletitii Noctii*' (roughly translated as Great King of the Silent Night) that would occur soon. The use of Dutch and Latin-type language adds to the mystique and sense of drama in anticipation of the dreadful process to follow.

91.3. The scrolls declare that this horrible night will occur when there is "*sneeu op die Pieke*" (snow on the Jonkershoek mountain peaks, known in Wilgenhof slang as "*die Pieke*").

91.4. The scrolls seem to be intended to evoke an atmosphere of anticipation and dread for the Nagligte activities.

91.5. The scrolls contain mostly poems referring to Wilgenhoffers at the time, using wording that suggests an intention to insult or humiliate those identified, but packaged as "humour".

92. The TA contained a variety of documentation, which the panel refer to in a summary fashion:

92.1. House committee reports: the reports deal with various house matters e.g. the 1985 incident, the creation of the Wilgenhof Bond, the Nagligte budget and other "shows", functions and activities of Wilgenhof, to name a few.

92.2. Wilgenhof house meeting and House Committee (HK) minute books.

92.3. Wilgenhof newsletters.

92.4. Wilgenhof Constitutions.

92.5. Wilgenhof House Rules.

92.6. 'Crime slips', comprising numerous small white slips of paper.[30]

92.7. Nagligte notebooks, containing writings and drawings done when the Nagligte meet for their night-time 'lope' and other events.[31]

92.7.1. The notebooks record significant Nagligte meetings and events by date, which includes 'lope'.

92.7.2. Recent Nagligte notebooks dating from 2019 to 2022 contain *inter alia* 'notes' on each 'loop', often just random observations, foul language or profane comments, swearing and drawings (mostly of male and female genitalia and depicting the Nagligte and their symbols in positions of power). The notes make it clear that when a Wilgenhoffer repudiates the jurisdiction of the Nagligte, choosing instead the 'parallel' disciplinary system, it does not go unnoticed: rather, it is recorded in these notes.

92.7.3. The notebooks contain multiple references to alcohol ('Bruiners' or Old Brown Sherry) indicating that it is consumed by the Nagligte as part of the 'loop' ritual and perhaps before and after, as well.

92.8. Two Wilgenhof "Gedenkboeke" (memorial books). One Gedenkboek covers the period 1903 to 1950, and another the period 1903 to 1967. These hardcover publications detail the history of Wilgenhof. At the end of each Gedenkboek is a complete list of all Wilgenhoffers past and present.

92.9. Letters written during 'Toenaweek'.

92.9.1. During toenaweek, all residents of Wilgenhof stay in for the duration of the weekend. Newcomers undergo various rituals to become part of Wilgenhof. Having done so and at the conclusion of the weekend, the newcomers are given the honour and privilege of signing their names in Wilgenhof's "Groot Boek" (Great Book).[32] At the conclusion of the toenaweek rituals, the newcomers write letters to themselves about their experience. The panel understood that these letters are handed back to their authors after the golden

[30] Refer to paragraph 203 below, where the function of crime slips is explained.
[31] Including such cryptically named rituals as 'golden handshake', 'Vleisfees', 'Blindes', initiation (HK and Nagligte), and St Bartholomeas.
[32] The Groot Boek was not found in hool 88 or the TA. During interviews it was confirmed that the current [redacted] has the book in his possession.

handshake event, when they are set to leave the residence and become Country members or Alums.

92.10. Notebooks containing lunchtime announcements in the dining hall. These books are full of inside jokes, profanities, mocking jibes against fellow Wilgenhoffers, crude commentary on the University administration and management and other announcements. Such notebooks continue to feature in the dining room of Wilgenhof.

92.11. Indemnity forms.[33]

92.12. Financial reports.

92.13. Other correspondence.

92.14. Old tape recordings. The panel did not listen to the recordings and cannot comment further.

Effect Of the Discovery of The Two Rooms on The SU Community

93. The [redacted] of Wilgenhof – the first non-Wilgenhoffer to be appointed to that position – testified that he was shocked and appalled by the discovery of the two rooms. He has since then encountered distrust and discontent towards him within the residence.

94. The current student leadership of Wilgenhof felt that the disclosure of the two rooms, without the knowledge and involvement of Wilgenhoffers and while they were away on holiday, was wrong and a violation of Wilgenhof and Wilgenhoffers.

95. Ou Wilgenhoffers and the Wilgenhof Association were generally unanimous in their reaction to the opening of the two rooms and the media reports in that regard. They feel aggrieved by what they see as an unwarranted invasion of the secret, age-old traditions of Wilgenhof. They also feel that Wilgenhof and its traditions typified in the two rooms and their contents were baselessly and sensationally portrayed in the media as having KKK and Nazi associations. They denied that there were any elements of sexually inappropriate behaviour. They contend that participation in Wilgenhof's traditions is voluntary.

96. The [redacted] shared with the panel that she was deeply shocked and appalled by the two rooms and their contents, generally. One of the Nagligte notebooks even contains a drawing rendering her and a close relative in a violent, insulting and demeaning pose. She has been criticised by HK members, as well as some ou-Wilgenhoffers and members of the Wilgenhof Bond, for her role in the disclosure of the two rooms. This was conveyed to the panel in

[33] Refer to paragraph 200 below, where the significance of the indemnity forms is explained. A blank version of one such indemnity form is appendix 4.

interviews and written submissions. She has been blamed for leaking the shocking set of photographs that were published in the media. She categorically denies having done so. She told the panel, with justification, that she finds herself in an untenable position. She explained that Wilgenhof and its HK have for a considerable time challenged her authority; that they are resistant to or uncooperative regarding her activities as [redacted]; and that she is closely monitored whenever she enters Wilgenhof (incidentally, the panel was also closely watched during its visits to Wilgenhof). There is manifestly a complete breakdown of trust between her and the [redacted]. The body language of residents clearly conveys that outsiders are not welcome.

97. The panel learned that the disclosure of the rooms and their contents have traumatised the current on-site cleaning service providers, after they entered the spaces in January this year, for the first time ever (despite regular requests for access to perform their duties). Having seen the imagery and symbols of the two rooms in the media, these individuals told the panel how hurtful it was for them to know that they were being lied to about the existence and contents of the rooms. The contents disturbed them emotionally, leading them to speculate that the rooms were being used for satanic purposes. These staff said they felt despair over the cold and critical way they have been treated by Wilgenhof residents since the opening of the rooms. Previously, residents would greet them warmly or politely while doing their duties.

98. The panel heard from student representatives of the Victoria Cluster, as well as SU student leadership, who spoke of their feelings aroused by the opening of the two rooms in January 2024.

98.1. Student leaders of the Victoria Cluster and SU were shocked and appalled. Several were moved to tears in addressing the panel about the imagery and negativity of the Nagligte activities that they saw manifest. They also felt a deep sense of mistrust towards Wilgenhof.

98.2. Students from Victoria Cluster spoke with dejection about the perceived dishonesty of Wilgenhoffers, who they regarded as friends. The 'white lies' they had been told, when they had asked legitimate questions about what had been going on at Wilgenhof on a particular night, were now seen in the light of these dark secrets. They feel betrayed and misled by their Wilgenhof colleagues.

98.3. They feel embarrassed. They feel hurt. They feel angry. They do not wish to be associated with these divisive symbols of the past.

99. Several staff and experts reflected on the reactions of staff and students of colour and those of alternative gender dispositions after the discovery of the two rooms broke in the media. One expert mentioned that the University's response to the

opening of the two rooms led to various engagements on campus to check the "pulse of the transformation constituency".

100. More than one expert condemned SU's official statement as too formal, cold, insensitive, non-committal, legalistic and showing a disregard for the 'human' factor. The implication was also that SU's statement failed to take a strong stance against the emotive, dark and divisive symbolism apparent from the two rooms.

101. The panel heard the opinion that the predominant feeling amongst some staff of colour was that the University's election not to roundly condemn the discovery of the two rooms at Wilgenhof and all they represent, effectively signified the executive's endorsement of these symbols of racism and white domination.

102. Consequently, SU staff and students of colour felt emotions that ranged from deep fragility and deep hurt to extreme anger and mistrust of SU; whilst numbers of white colleagues responded anxiously from positions of fragility, defensiveness, embarrassment and searching for appropriate language to articulate their sense of disbelief. This has caused a divide amongst colleagues and students on this issue along racial lines.

103. Two experts shared the insight with the panel that it is likely difficult for people immersed in the white-dominated, male, Afrikaans Wilgenhof culture, to truly understand the impact of these revelations on the broader Stellenbosch community, especially on people of different races. Wilgenhoffers appear to outsiders to have an ingrained incapacity to appreciate how their traditional rituals and culture impact on others outside their group. They seem oblivious to the views and feelings of the minority of black students augmented by a minority of white students, who do not fit into their majority or dominant culture.

104. Wilgenhof, in a sense, is thus a microcosm of the challenges facing SU, which still retains a predominantly white, patriarchal institutional culture. The University is still not an inclusive space for everyone. The discovery of the two rooms and the University's anodyne public response was tough for people of colour and indeed those from different cultural backgrounds. This response demonstrated a kind of a blindness to the experience - the negative and painful experiences - of people from non-majority-white backgrounds in the wider University community.

105. There is a deep sense of shame for some new entrants to SU and Wilgenhof, because this discovery sets up a conflict for them: on the one hand it is a community that professes inclusion and belonging; but at the same time, it is a community that deeply excludes and punishes.

106. Another expert explained that the University's knee-jerk reaction to whitewash and sanitise hool 88 was the biggest misstep and betrayal in dealing with this issue. SU may have acted in good faith in doing so, but removing (and in a certain

sense, destroying) the evidence was illustrative of deep blind spots within SU. This was a moment – a lost opportunity – when this University could and should have reckoned with a deeply uncomfortable part of its past and present. Nothing has been done to give staff and students an opportunity to process these revelations.[34]

107. Stellenbosch University requires a deep ideological shift. That is something that demographic changes alone are not going to fix. The face of the institution can change, but that does not mean that the ethos has changed.

108. The discovery of the rooms just before Welcoming resulted in a decision by the Victoria Cluster not to interact with Wilgenhof, because they felt betrayed and embarrassed by their actions. They faced numerous questions from parents of Wilgenhof newcomers, seeking assurances that their children would be safe on campus. The student leaders from the Cluster and the SRC felt that the Centre for Student Life and Learning did not do enough to support them in dealing with the situation or in responding to frantic parents. There is deep mistrust between student leaders and Wilgenhof, and Wilgenhof and the student leaders towards the Centre for Student Life and Learning. Time would need to be spent to debrief with these student leaders as they felt exposed and undervalued by the Centre for Student Life and Learning.

109. The panel was told that there was always a 'story' surrounding Wilgenhof, so finding the two rooms was ultimately inevitable.

The Effect of The Discovery of The Two Rooms on Welcoming 2024

110. Although Welcoming is not part of the scope of the panel's terms of reference, it is apposite to make a few remarks on the effect of the discovery of the two rooms on the Welcoming programme that followed immediately while this story was breaking.

111. The Monitors Report (2024)[35] *inter alia* sets out the Victoria Cluster's evaluation of Welcoming. The panel draws attention to the following aspects.

112. The experience of Welcoming in the Cluster was different from previous years due to the discovery of the two rooms at Wilgenhof.

113. The Cluster leadership experienced uncertainty and turmoil, but they successfully limited the impact on newcomers. Many emergency meetings were called, and the

[34] The comprehensive, official photographic record that was made of the two rooms, when they were first entered, may assist in giving staff and students closure.

[35] During the official Welcoming period on campus, monitors are appointed to monitor the approved welcoming programmes for each student community. At the end there is a report published called the Monitors Report. In this report there are recommendations, critiques and an overall view of the community and the execution of their welcoming programme that was submitted and approved. The monitors are only active during the welcoming period and move freely around their allocated communities during this time.

leaders were forced to make tough decisions under great duress with little guidance from the University.

114. The leaders in the Victoria Cluster decided to exclude Wilgenhof from Cluster activities.

115. The only interaction that Wilgenhof had with the Cluster was during Cluster athletics.

116. Wilgenhof was not mentioned at all in any of the individual community reports, apart from the Silene report, which stated: "*Emotions were high and many were suffering from the news of the Wilgenhof matter. However, the leadership banded together, and made mental health a priority.*"

117. Unlike other busy and structured Welcoming programmes, Wilgenhof only offered three or four planned activities. The rest of the time newcomers were left to their own devices. This evoked mixed feelings among the newcomers.

118. Other communities generally chose not to interact with Wilgenhof.

119. Newcomers in Wilgenhof indicated that they did not always know what was going to happen, which left them scared. They further articulated that they felt abandoned by the other student communities.

120. Towards the end of orientation, there were multiple complaints of Wilgenhof Newcomers making a loud noise in the early hours of the morning (1am – 3am). This was against Residence Rules. Even though this issue was taken up with the Wilgenhof leadership the first night that it occurred, the same misbehaviour and complaints persisted thereafter for the last few days of Orientation.

121. There was also an incident when Newcomers, of their own accord, got involved with "Res Wars" and took items from other communities. This also occurred in the early hours of the morning.

122. The Monitors' Report notably recorded:

> "*From the Monitor Feedback Session and general conversation from Newcomers, it seems that the sentiments of the leadership surrounding issues like Cluster involvement and media reports regarding the Wilgenhof Matter – have been passed onto the Newcomers. From their responses and questions, it appears as though Wilgenhof culture and certain attitudes have already been ingrained in them* [Wilgenhof newcomers].... *However, it is uncertain how much of this the Newcomers will choose to believe and accept, after the information they have already been relayed (sic) by their leadership.*"

123. The Monitors also recorded that there was excessive alcohol consumption in Wilgenhof during Welcoming: both newcomers and seniors were seen in possession of and/or consuming wines and spirits from opened bottles. Alcohol consumption within residences is strictly prohibited.

124. It is apparent that even in the first months of this year, while Wilgenhof was under scrutiny, they still demonstrated a disregard for the rules.

Conclusions and Recommendations

125. The two rooms and their contents made a very powerful, negative impression on staff and students entering and viewing them. A number of persons explained how they were overcome with shock, distress and emotion. Some choked up or even cried when talking to the panel about this and explaining what they had seen and experienced.

126. SU should not immediately have stripped, repainted and sanitised the two rooms in the way, and at the time, that it did. The two rooms should have been sealed up to prevent access by anyone. SU should then, with the assistance of the resources at its disposal (for instance CIRCoRe) and/or with the assistance of internal or external facilitation, have crafted an inclusive process to ventilate the meaning and implications of this discovery for Wilgenhof and SU as a whole. This was a lost opportunity, in a sense.

127. The disclosure of the two rooms has caused and exacerbated deep divides on campus, especially along racial lines. **The panel recommends** that SU should conduct a facilitated dialogue with staff, students and their leadership, including in the Victoria Cluster, and any others affected by the two rooms. The Centre for Student Life and Learning should take ownership and actively engage and guide the Cluster community and SU stakeholders affected. The panel was told that to date the Cluster leadership, other campus leadership and students feel that they have been abandoned to figure things out for themselves in the light of these shocking developments, which was unfair towards them. There is a great deal of anxiety, stress, emotion and reaction that needs to be shared and processed, by staff and students alike. This must form part of the growth and transformation of SU.

128. **The panel recommends** that SU's rules or procedures applicable to student accommodation must provide a process to ensure that all rooms in residences are periodically audited and inspected. It should not be possible for two rooms in a residence to remain locked and secreted from University authorities for years on end, as appears to have been the case with the two rooms in Wilgenhof.

129. **The panel recommends** that all residence keys must be properly stored and accounted for, so that access can be gained to any part of any residence at any time by residence authorities, without reference to students.

130. **The panel recommends** that residences must only be used for their intended purpose of housing students and providing incidental facilities.

131. **The panel recommends** that the University keep all items found in the two rooms in the SU Archive and/or the SU Museum, in accordance with its archiving principles and procedures. If the Wilgenhof Association or any ou-Wilgenhoffer claims the return of any item(s), they should address their requests to SU.

132. Although the source of the photographs published in the media has not been determined, the panel acknowledges the secondary trauma, caused by the publication of those pictures, suffered by those who had negative or traumatic experiences at the hands of the Nagligte.

133. **The panel recommends** that SU should consider investigating the allegations of alleged contraventions of SU rules of Welcoming and Residence Rules by Wilgenhof as disclosed in the Monitors' Report (2024).

134. **The panel recommends** that SU establishes a crisis management protocol, which provides guidelines for the management of a scene and/or event of this nature (involving, for instance, sensitive or harmful information), and specifying the structure/officer who will take initial responsibility to manage the incident. Having such a protocol in place would hopefully ensure that there is restricted access to sites (e.g. the two rooms in this case) and to ensure that photographs are taken only by authorised persons and used only for authorised purposes.

Part 3: The Historical and Cultural Background of The Contents and Functions of The Two Rooms

135. Under the subheading, the panel addresses the historical and cultural background forming the context and basis for Wilgenhof culture and the origin of the Nagligte rituals, including the functions of the two rooms.

136. The panel has had the benefit of a variety of pertinent expert presentations by nine academics, whose insights have been combined with well-documented history and the panel's collective knowledge of history, symbols and the relevant cultural heritage.

National Historical Context in Summary

137. The events and milestones referenced under this subheading are well documented and factual.

138. Wilgenhof was established in 1903,[36] in the period between the end of the recently termed Second Freedom War (also termed the Anglo Boer War or the Boere

[36] The first "Huisvader" was Jannie Murray (Gedenkboek 1903 to 2003 p. 61).

Oorlog) and the start of World War I. For many Afrikaners this was a period of hardship caused first by the outbreak and impact of the rinderpest cattle plague by killing 90% of the herds between 1888 and 1897 in South Africa. This devastated the livelihoods of many cattle farmers. This was followed by the exigencies of the Second Freedom War, the devastation caused by British scorched earth tactics and burning of their farms, and the deaths of many women, children and the elderly in concentration camps established by the British forces. The result was antipathy towards the Kingdom of Great Britain (often wrongly referred to in the oral tradition as the *Engelse* – English speaking people).

139. The period from the start of the 20th Century to the 1980s saw the escalating growth of Afrikaner nationalism.

140. The Union of South Africa came into existence on 31 May 1910. It comprised the unification of the Cape, Natal, Transvaal, and Orange River colonies. The latter two were formerly known as the South African Republic (Zuid-Afrikaansche Republiek) and the Orange Free State (Oranje Vrij Staat). The Union was a self-governing dominion of the British Empire (this continued, until 1961, when South Africa unilaterally declared itself a republic).

141. The start of World War I in 1914 brought social upheaval and disruptions that accompany such a global conflict. The 'war to end all wars' regrettably had no such effect when World War I was followed a couple of decades later in 1939-1945 by World War II and its concomitant global upheavals and disruptions.

142. Between the two World Wars, the world experienced the great depression, further exacerbated locally by the consequences of the disasters outlined above in the period between 1888 and 1914.

143. All these events and forces impacted the families of a major proportion of the Afrikaner community. Dire poverty was experienced by many.

144. The history of resistance by earlier migrant groupings fleeing exploitation and suppression in the Netherlands and France between 1652 and 1795 to the imposition of British Colonial Rule, which took full effect in 1806 to 1961, led to great bitterness. A significant proportion of Afrikaners were opposed to British rule and South Africa's participation in the two World Wars. They considered as inappropriate the attempts to conscript able-bodied men to serve in the Commonwealth forces against Germany. The internment of leaders of the resistance to the wars added a further complicating dimension.

145. This created a fertile climate for the activities of those who saw it as their mission to improve the lot of all Afrikaners, particularly those who fell into the large group termed 'the poor white problem'.

146. In 1914, the National Party was established. This political party was an Afrikaner ethnic nationalist party, which became best known for its agenda of white supremacy. From 1948 the National Party as the governing party of South Africa began in earnest to implement its policy of apartheid.

147. In 1918, Stellenbosch University was created by the then colonial authorities. It comprised the Stellenbosch campus of the Victoria College and included the boarding establishments that served the students then registered at the institution. Wilgenhof was one of these establishments.

148. In that same year, 1918, a group called "Jong Suid-Afrika" was established. Two months later this organisation was renamed the Afrikaner-Broederbond, with the motto 'Wees Sterk' (translated as 'Be Strong').[37] In 1921, the Broederbond became a secret organisation to avoid potential retribution from the colonial authorities. Its clandestine activities in all spheres of South African social, political, and economic life have been published to some extent.[38] The Broederbond acted to ensure that its members ('broeders'), who were loyal to the upliftment of the minority white Afrikaner population, were placed into positions of influence and power. Since its establishment, the Broederbond exercised increasing influence at the political level to entrench apartheid, white power, and patriarchy, aimed at advancing and protecting white privilege and domination at any cost. Some of its core practices exemplify what anthropologists and sociologists identify as secretive rituals, that must be observed and completed to achieve membership of the group.

149. In 1918, the University Council allegedly approved the first form of "selfbestuur" (Eng: self-management) of Wilgenhof: the Primarius and the House Committee would be responsible for managing the residence.[39]

150. In 1938, the Ossewabrandwag (Ox-wagon Sentinel), an Afrikaner nationalist organisation with ties to national socialism, was founded to commemorate the centennial of the Great Trek. In the years that followed, the membership of this organisation grew at SU.[40]

[37] Ironically, the freedom fighters' call of "*Amandla*" (power) during and since the freedom struggle against the oppression of the majority by the National Party Government echoes the sentiment.
[38] See, for instance, The Super-Afrikaners, originally published in 1978, authored by political journalists Hans Strydom and Ivor Wilkins. This book traced, at personal risk, the development of the Broederbond from the earliest days. The book includes a comprehensive list of Broeders.
[39] Wilgenhof Gedenkboek 1903 to 2003 p. 62. However, this must be seen in conjunction with the fact that SU 'inherited' a House Father of Wilgenhof who stayed in that position until 1920. Marais, 1939.
[40] There is an open ox wagon in the quadrangle of Wilgenhof, which features in some of their rituals as shown in photographs in the TA.

151. Dr Danie 'Doc' Craven was appointed in 1949 as the Residence Head until 1980. His term and hands-off leadership style is held in very high esteem by ou-Wilgenhoffers.

152. In 1958, the Broederbond created the secret Ruiterwag (cavalrymen guard) organisation as its youth wing. It was also active on the SU campus, as this was a fertile recruiting ground for young, male, Afrikaners, under the age of 35, selected for potential succession to the Broederbond.

153. The middle of the 20th-century onwards witnessed the consolidation of power by the National Party by thorough implementation of apartheid in all areas of public and even private life. This was an oppressive and repressive regime. Young, white men were conscripted into the armed forces for two years' 'national service'.

154. Until 1986, the Dutch Reformed Church (Nederduitse Gereformeerde Kerk, *NGK*) was the preeminent reformed church denomination of the Afrikaner people. This Afrikaans-medium denomination funded many young men to study Theology at the Afrikaans-medium Universities of Stellenbosch, Pretoria and the Orange Free State. The NGK *inter alia* commissioned studies by the SU Faculty of Theology to develop a theological justification for apartheid, which was preached from the pulpits. The Reformed Church (Hervormde Kerk) was founded in 1842. Later, aspirant theologians from this denomination were similarly funded by it to study Theology at Potchefstroom University when it was established in 1905. Both these denominations supported the Afrikaner nationalist government's policy of apartheid.

155. All these organisations were instrumental in shaping the prevailing residence culture of especially the male residences of SU.

156. The dawn of a democratic South Africa on 27 April 1994 ushered in a new era of constitutionalism and equality under the law. This presented SU with the challenge of having to adapt to this fundamental shift that would necessitate, amongst others:

    156.1. the opening up of tertiary educational opportunities at universities to South Africans across racial and language boundaries; and

    156.2. a process of self-assessment of SU's enablement of apartheid, and its contribution towards racial oppression in South Africa.

157. The products of this have been revised/new SU values, ethics, mission statements, policies and so forth (dealt with more fully below), and the adoption, somewhat belatedly in 2018, of SU's Restitution Statement.[41]

[41] The Restitution Statement is quoted in full in paragraph 318 below.

158. Against this backdrop (and as far as it is relevant to the panel's field of inquiry), it is apparent that the South African historical context demonstrates a white, male Afrikaner- and Afrikaans-dominated world, in which the interests, aims and aspirations of *that* group of persons enjoys primacy.[42] Until the dawn of democracy in 1994, South Africans who were not white were socially, politically, and economically excluded and disempowered. This marginalisation included the denial of meaningful tertiary educational opportunities.

Wilgenhof is a Product of South Africa's Historical Context

159. Wilgenhof is unsurprisingly a product of this national historical context. From its inception until comparatively recently, Wilgenhof has effectively been a white, male, Afrikaner residence.[43]

160. During the apartheid years, only a very small number of students of colour were admitted to SU as students. They needed special permits to study at SU, which would only be granted if the alternative university, created for that student's racial group, did not offer the qualification for which he/she wished to enrol.

161. During 1962, the original Wilgenhof Bachelors building was completely renovated, and the main building demolished for the construction of the current main residence by SU.

    161.1. The building plans drawn up at that time reflect the "*new buildings*" of Wilgenhof (i.e. the buildings as they are today).

    161.2. The ground floor shows rooms for the students to occupy, numbered sequentially from 1 onwards up to 23.

    161.3. One of the rooms, however, is labelled "*KAMER 88*" (Eng: room 88),[44] out of sequence with the other room numbers. Manifestly, hool 88 was part of Wilgenhof's official design.

    161.4. The relevant members of the SU administration in charge of the Wilgenhof residence, buildings and facilities would clearly have known about hool 88. The plans and construction work would have needed to be approved by senior administrators, too.

    161.5. Hool 88 was a recognised and 'official' part of Wilgenhof, designated for the use of the Nagligte. It was never meant to serve as a student room or

[42] The important role of the acquiescent, white female Afrikaner group is acknowledged, too.
[43] This is true of all the older residences of SU. White, male English speakers were in the minority and made up the rest of the numbers.
[44] An extract from the architect's plan showing this is appendix 5.

any other facility, either. Its existence as hool 88 was not hidden or disguised.

162. A large timeline banner found hanging on the wall in the TA declares: "*1964: die Heilige Hool 88 is gebou in the Nuwe Plek om as drukplek to dien.*"

163. The massification of higher education since 1994 is manifest at SU as its student numbers grew from 13,000 then, to 33,502 in 2023. The demographic breakdown of the students in 2023 was 49.8% white, 24,6% black African, 17% so-called Coloured, and 3.5% Indian.[45]

164. SU has documented its own endeavours to move from a racist institutional and residence culture, with its invasive and compulsive militaristic nature as expressed in its hazing activities pre-1994 and which "*...remain a component of the current-day student experience*".[46]

165. This long history of the exclusion of people of colour is part of the legacy which SU is striving to confront in seeking to welcome students of different races, languages, and cultures. It feeds directly into this report and into a proper understanding of significance of the two rooms at Wilgenhof, and what they were used and stand for.

The Origins of the Nagligte [47]

166. In 1903, Wilgenhof started as a privately-run boarding house for men only. Its residents were mostly registered learners at Victoria College. During these early years, Wilgenhof sometimes enjoyed oversight from the individuals who owned or managed the residence. There were no doubt rental conditions, but there were no 'rules' as would nowadays regulate university residences.

167. In 1911, to deter antisocial behaviour (such as noise after drunken revelry by a boarder, or a lack of personal hygiene), the boarders themselves created the 'Helpenne', who disguised themselves and spoke in falsetto voices during their late-night enforcement activities. An unclean miscreant might be stripped, forced into a cold shower and where appropriate "*borseled*" (scrubbed) with soap and a hard-bristled floor brush.

[45] 4.6% withheld racial classification.

[46] See Fataar 2023, p 8 contained in the Bibliography. Two recent documents in particular highlight the impact of these traditions and serve as a platform for this report: Fataar A (editor), The educational pathways and experiences of black students at Stellenbosch University, SUN press, 2023; and the Report commissioned by SU: Khampepe S, *Commission of Inquiry into Allegations of Racism at Stellenbosch University*, (2022).

[47] Wilgenhof's own Gedenkboeke provide an explanation of these aspects.

168. Records show the origin in 1914 of the 'Nagligte' (Night Lights), which morphed out of the 'Helpenne'. The Nagligte were Wilgenhof's internal disciplinary committee, which was approved by the then supervisory Wilgenhof Council.

169. The formation of the Nagligte thus pre-dates the acquisition of Wilgenhof by SU, which only occurred in 1918.

170. The 1914 Nagligte initially consisted of four representatives of the boarders only, with no representative from the Wilgenhof Council.

171. Between 1916 and 1921, the Nagligte punishment regimen was evidently developed, including various sanctions such as: singing a song or reciting a poem; being forced into a cold shower; or cleaning the reading room.

172. In addition to enforcing residence rules, the Nagligte were also responsible for initiation.

173. In 1921, the Nagligte introduced the consumption of bitter aloe crystals (a laxative and, for some, an emetic) as part of the 'doop' ritual. Later, castor oil (subsequently replaced by linseed oil) was added, to wash down the chewed bitter aloe crystals.

174. The Nagligte remained responsible for both the 'doop' and residence discipline until 1936, when the House Committee took over responsibility for the initiation of new students.

175. From around that time (1936) onward, the Nagligte focused their energies on exercising discipline over Wilgenhof residents. The Nagligte would be elected by Wilgenhoffers annually. The Wilgenhoffer elected as "Chief" of the Nagligte would automatically serve as Vice-Primarius of Wilgenhof. He would wear the pig's head mask during their disciplinary activities (the mask found in the TA).

176. From around 1950, the 'criming' process started to be followed (as explained in paragraph 202 below). Many crime slips were found in the TA.

177. The traditional punishments meted out by the Nagligte included physical exercise (e.g. push ups, hanging from a bar until you can no longer hold on), and administering aloe crystals and linseed oil in varying quantities, all accompanied by sardonic comments.

178. This Nagligte committee now comprises ten members[48] elected annually by the residence in mid-September, to serve for a year. Thus, at any given time the

[48] Initially the Nagligte consisted of four members, which increased to seven in the mid-20th century and later became ten.

majority of the house (except for the first years who join in January/February of the next year) know the identities of the Nagligte.

Attempts By SU To Stop Initiation and Disciplinary Practices at Wilgenhof

179. From time to time over the past 100 years, SU has acted to curtail or stop initiation rituals at the University, including 'doop' and Nagligte disciplinary activities at Wilgenhof. Sometimes these actions have been precipitated by unfortunate incidents of injury, death and/or bad publicity associated with 'doop' activities, which was detrimental to the reputation of SU. The following is a chronological summary of such SU actions.

180. Since as early as about 1936, the Nagligte were no longer responsible for 'doop', which was controlled by the House Committee. The Nagligte were in charge of the Wilgenhof internal disciplinary system.

181. In 1942, all doop or initiation activities were banned at SU. By 1944, such activities had resumed, against the wishes of the University.

182. In 1956, the University replaced initiation with 'incorporation'. The purpose of the change was to urge residences to move away from harmful practices. The Wilgenhof banner in the TA recorded this University initiative, questioning "*What's in a name?*".

183. In 1965, the University banished 1st-year activities during the first week of the first semester. Wilgenhof new students remained in their rooms for the week with the Bible, hymn book and *Fluitjie Fywerits* (residence songbook).

184. In 1967, the Minister of Education, Arts and Science wrote to the University, requiring that initiation practices be stopped. It appears, notwithstanding the Minister's stance and until 1994, that doop rituals continued in Wilgenhof in various forms (including 'galg' and 'slootjie').

185. In the 1970's, the Residence Head of Wilgenhof, Dr Craven, allowed the Nagligte to operate, evidently leading to a belief that the University approved of the Nagligte as a disciplinary structure.[49]

186. In 1986, the Rector at the time showed the "*first signs of trying to meddle with the Affairs of Nagligte*". He saw the Vleisfees (the introduction of the first years to the Nagligte) as unfair, because the first years were painted without having been 'crimed'. The way around this objection was to 'crime' all first years for arbitrary things.[50]

[49] Page 37 of the Gedenkboek 1903 – 2003.
[50] Page 38 of the Gedenkboek 1903 – 2003.

187. In 1994, 'doop' was again stopped by SU during the first week. Other 'doop' activities in Wilgenhof (toenaweek) continued later in the year.

188. In 2000, Vleisfees at Wilgenhof was interrupted when the Police stormed in and arrested a few Nagligte and some naked Wilgenhoffers. This matter was "handled" and nothing came of it, but it was seen as a first proper warning shot.[51]

189. In 2001, a student from Huis Visser tragically lost his life during an initiation practice.[52] Wilgenhof was faced with an ultimatum after the University administration launched a review of 'doop' and other harmful practices in residences. The Nagligte were required to stop their activities or Wilgenhof would be closed down. If the Nagligte continued in their present form, the House Committee and the Residence Head would be removed from office and Wilgenhoffers placed in alternative accommodation.[53] Thus, the Nagligte were expressly banned by the University. According to Wilgenhoffers,[54] this ban was "renegotiated" with the University and the Nagligte were permitted to continue, provided they stopped using paint, aloe and oil as part of their sanctions. The Nagligte continued their activities, but dealt out only "straftake" (Eng: punishment tasks).

190. Thereafter, and in 2002, [redacted] gave a speech at Wilgenhof (marked 'strictly confidential'). His speech suggested that a disciplinary system should at *the most basic level* comply with at least two elements, namely full disclosure and informed consent.

191. Against the background of this speech and in 2002, the Nagligte revived the use of the oil and aloe sanction by means of introducing a "parallel" system of discipline: residents of Wilgenhof, who had been "crimed", would be entitled to *choose* whether to submit to the "traditional" discipline at the hands of the Nagligte (sanctions could include linseed oil and aloe crystals); or the "parallel" process (which circumvented the Nagligte and provided for community service as a sanction only). Since 2002, then, this was the "parallel" disciplinary system that was implemented in Wilgenhof. According to Wilgenhoffers, the University and Wilgenhof approved this parallel system, thereby *"securing the continued existence"* of the Nagligte.[55] Apart from the Wilgenhoffers "say so", however, the

[51] Page 39 of the Gedenkboek 1903 – 2003.
[52] This second-year student of Huis Visser had been dropped off in the middle of nowhere and at night, hardly clothed, and left to find his way back to the residence. He died in a road collision. The SAHRC investigated and reported on this incident at the time.
[53] Page 39 of the Gedenkboek 1903 – 2003.
[54] As mentioned in the timeline banner found in the TA.
[55] The timeline banner found in the TA proclaims that both Wilgenhof and SU approved this parallel disciplinary system in 2002.

panel found no evidence of the University approving the use of linseed oil and aloe crystals by the Nagligte.[56]

192. Though the Nagligte system had been investigated and banned by the University in 2001, the system survived. There remained increasing pressure to let go of the Nagligte completely.[57] The parallel system was a stop gap to preserve the Nagligte.

193. The Wilgenhof Gedenkboek for the period up to 2003 contains the following revealing quotation:

> *"Although the Nagligte have survived 92 years, the pressure from external powers that be will always threaten their existence. The future of the Nagligte will be determined by Wilgenhof's past and whether we can muster enough powers to swing the scales in our favour. Laat die Nagligte vir altyd loop. Dankie menere. Totsiens menere. Kom gou weer menere."*[58]

194. Early in 2020, the entire Wilgenhof HK was suspended by the Rector and Vice-Chancellor as part of a disciplinary proceeding, because Wilgenhof's welcoming practices were deemed out of line with institutional requirements. This resulted in a leadership vacuum from February to September 2020, when new elections were scheduled to take place.

195. In reaction to this SU disciplinary process, during 2020 Wilgenhoffers themselves initiated a review of Wilgenhof traditions. This so-called "Renewal" process was stated to have the following purposes:

195.1. To deliver on the Wilgenhof Association's requirement to establish a baseline understanding of: where is the residence today? What is the current culture? What is an objective view of the status quo?

195.2. To develop a view on what process needs to be followed in order to arrive at a desired destination;

195.3. To obtain a perspective on the short-term interventions and medium/longer term interventions required to address areas of concern arising from the survey; and

195.4. To develop a stakeholder engagement plan that would ensure that decision-making was aligned, inclusive and effective.

196. The steering committee at the helm of this Renewal initiative were all ou-Wilgenhoffers, apart from a woman responsible for analysing the data obtained

[56] If indeed the University *had* approved the use of that traditional sanction, it would surely have been mentioned in the Gedenkboek.
[57] Page 39 of the Gedenkboek 1903 – 2003.
[58] Page 40 of the Gedenkboek 1903 – 2003

through a questionnaire. Though the lack of objective perspectives from "outside" Wilgenhof would hamper genuine renewal or transformation, it appeared to the panel that this initiative was genuinely well-intentioned.

197. Since then, COVID-19 intervened. It is not apparent whether the Renewal process resulted in any firm measures, positive changes or transformation at Wilgenhof.

198. Nagligte rituals resumed in late 2020, when a new HC was elected for the new term, and continued to the end of 2022, despite Wilgenhof's "Renewal" initiative.

199. The Nagligte disciplinary ritual has an (almost) unbroken history; there have been a few years when the Nagligte were banned, but they sometimes continued clandestinely, or were permitted to recommence. For most of the last 110 years the Nagligte have been active.

200. Most recently in 2023, the panel heard that Nagligte activities were taken off-campus, hosted with the assistance of a private company on a private farm, so that Nagligte and participants would be free to experience the activities in their original form. Those Wilgenhoffers who participated in this Nagligte 'loop' had to sign indemnity forms to do so:

200.1. There are 55 of these forms, all identical and dating to August 2023.

200.2. They relate to the participation by Wilgenhoffers in "*the long-term plan*", which was explained to the panel somewhat cryptically as an initiative by some Wilgenhoffers to take Nagligte 'lope' off the SU campus and conduct them on a private farm.

200.3. These activities are described as being "*intense bootcamp style exercise programmes*" "*which may include activities such as the voluntary ingestion of noxious linseed oil and aloe crystals and the possibility of seeing other participants nude*". The risks are said to include minor injuries such as small cuts, major injuries like broken limbs, and adverse effects from ingesting noxious substances, possible death, and emotional discomfort from observing nudity.

200.4. The organiser of the programme is company called [redacted] (registration number [redacted]).

200.5. [redacted], a director of [redacted], was formerly Chief of the Nagligte and [redacted] of Wilgenhof in 2023. He also served as Mentor in 2021, Head Mentor in 2022 and was a seasoned student leader. He refused the panel's invitation to be interviewed as part of this investigation.

200.6. The forms seek to indemnify this company against claims from Wilgenhoffers arising from their participation in the long-term plan.

200.7. The forms also incorporate a non-disclosure agreement (NDA), in terms of which the participating Wilgenhoffers undertake not to disclose any information, knowledge or materials about the programme to third parties.

200.8. The forms are signed by the Wilgenhoffers themselves. Some of them are also evidently signed by their parents.

The Nagligte Disciplinary Ritual (2002 to date)[59]

201. The panel has explained that since 2002, the traditional Nagligte disciplinary practices have continued in Wilgenhof, accompanied by the parallel system (see paragraph 191 onwards).[60] The traditional Nagligte disciplinary ritual involving hool 88 typically occurred as follows.[61]

202. On Tuesdays at lunchtime,[62] the 'crime' slips were handed out in the Wilgenhof dining room to students accused of breaking Wilgenhof house rules. Students were publicly 'crimed' in this way, in front of all other residents present in the dining room.[63] 'Crime slips' reflect the name of the accused, the House Rule or "Pirates code" transgressed, and a space was left for the accused to select "traditional" or "parallel" system of discipline. The slip was signed by the Chief / Vice-Primarius.

203. The student receiving the crime slip (the accused) had to write on the slip whether he elects to be disciplined in the "traditional" or "parallel" system.[64] Obviously, discipline by the Nagligte only ensues if the student selected "traditional" discipline. The accused had to sign the slip to signify his "*informed consent*".

[59] The panel has focussed on this period. It covers most of the democratic era. It covers the period during which SU has accepted numerous new/revised policies, ethical statements, rules and codes, to realise its Vision 2040. This period is relevant to the present conditions on campus and the group of students that remain on campus. One cannot look back indefinitely. The further in time one looks back, the less practical relevance and value the information has.

[60] This was until 2020, when the whole house

[61] This was the 'usual' Nagligte ritual. The off-campus "long-term plan" 'loop', conducted off-campus around August 2023, as explained under the previous subheading, is a new manifestation of Nagligte rituals.

[62] Following the Wilgenhof Renewal process in 2020, it appears that 'lope' were no longer necessarily held every Tuesday, but instead the dates for 'lope' were made known in advance, so that residents could plan their lives accordingly.

[63] Wilgenhof is apparently the only residence where all residents eat lunch together and use "block reservations.

[64] Students are also entitled to refuse to be subjected to the process at all. If they make that election, it should be made clear whether SU's standard rules of discipline are then applied.

204. During the night on the Tuesday (originally at midnight), the student who had been 'crimed' was roused by the whole group of Nagligte, wearing their full black costumes, banging on his room ('hool') door.

205. Eerie noises and/or music – often loud and audible in neighbouring, nearby residences and the Cluster Hub (Victoria) – was played in the quad, creating a sombre atmosphere of foreboding.

206. The Nagligte spoke only in falsetto voices. They were in costume and thus fully disguised.

207. They took the subject to hool 88 to be disciplined. The panel was told that, until 2020, the subject was naked for the duration of the 'loop'. Since 2020, the subject would wear only his vest and underwear.

208. Hool 88 was a grim place, with graffiti and symbols painted on walls.

209. Here the Nagligte berated and 'tore strips' off the accused, metaphorically speaking. The subject was made to answer for his offence.

210. The Nagligte imposed their sanction of varying quantities of linseed oil and bitter aloe crystals, depending on the seriousness of the infraction, which the subject had to consume there and then. He was then released back to his hool.

211. This disciplinary ritual played out on a weekly basis (on Tuesday nights) until the week before the election of *inter alia* the new Primarius, Vice-Primarius, the House Committee and the Disciplinary Committee (Nagligte) around August of each year.[65]

212. The annual term of the Nagligte was then brought to an end through the "golden handshake" ritual.

    212.1. The "golden handshake" ritual was the "big reveal" of the identities of the Nagligte members, who until that time had remained hidden from the first-year students.

    212.2. The Nagligte are pelted (and they retaliate) with condoms filled with raw eggs, amasi and water/vinegar in a so-called "good-natured" melee in the quad and inside and outside hool 88, culminating in the Nagligte removing their hoods, robes and other trappings, to reveal their identities.

    212.3. This ritual is a messy affair, evidently presenting an opportunity for residents to vent feelings and exact some "payback" from the Nagligte who, for the past year, had exercised disciplinary powers over them. In that sense it is an equalizing ritual that clears the decks for the imminent

[65] The elections occur on the dates reflected in the SU Almanac and/or in notices and other communiques.

election and appointment of the new Nagligte.[66] It is also responsible in large part for the stench that pervaded hool 88, when it was entered by SU staff in January 2024.

The Purpose of the Nagligte Ritual

213. It is well-established that Stellenbosch as a place, and SU as an educational institution, played a material role in the Afrikaner Nationalist project. Young, white Afrikaner men came to SU from all over the country, from different educational backgrounds, different socio-economic realities and so forth. These disparate beginnings gave rise to tensions within the Afrikaner corps. This was a nascent nationalism and young men were grappling with what it meant to be an Afrikaner.

214. Initiation rituals ('doop')[67] at SU played a significant role in this context by marking this transition between life stages, levelling class or other distinctions between newcomers, and melding them into a kind of brotherhood (not only amongst each other, but also together with returning students).

215. Such rituals often, but not necessarily, involve being taken as a group of new, young people and being subjected to practices in which the usual 'rules of society' are suspended and consciously inverted. In this ritualised environment one may, for example, find men wearing women's skirts. There are often numerous symbols at play.

216. 'Doop' rituals at SU have a long history going back to the inception of the University. In the last 30 years or more repeated attempts have been made to eliminate all forms of initiation, which have been banned at SU.

217. Wilgenhof, like other men's residences at SU, used to implement 'doop' rituals in which first-year students were made to engage in a variety of practices and activities on (or after) arrival at the residence, to secure their successful transition to and membership of Wilgenhof. It is important to note that 'doop' activities occur at the level of the residence, not the university: once initiated, the student becomes a Wilgenhoffer (it was never a question of being initiated into becoming a Matie).

218. The panel was assured that no such initiation activities now occur in Wilgenhof and, in any event, the two rooms played no direct role in 'doop'.

[66] As reported in the media.

[67] Rituals often mark a stage of transition, for instance when young males transition from boy to man. The task of these rituals, then, is not only to mark this transition but also to reassign status and identity (sometimes membership of a group) to the people undergoing it. When you are about to undergo such a ritual, you are separated from daily life and separated from people who form part of your daily life.

219. Wilgenhof's internal disciplinary procedure (ritual) conducted by the Nagligte is in fact an extension of the 'doop' initiation rituals. This is because the Nagligte disciplinary ritual serves many of the core initiation-type functions of 'doop'.

220. This is achieved by the enforcement of a host of internal house rules, which are enforced against all residents by the Nagligte. These house rules include prohibitions against wearing a cap in the dining hall; standing with your hands in your pockets when speaking to a female; allowing your phone to ring in the dining hall; speaking in a falsetto voice that mimics the Nagligte, and so forth. These rules, mostly trivial in nature, do not warrant or attract official sanctions in terms of SU's Code or other rules. These rules provide the substrate for the Nagligte to enact their weekly rituals, which are intended to meld residents into a conforming group which buys into the Wilgenhof culture and values (as further dealt with below).

221. Thus, the Nagligte ritual plays a vital enculturation function to ensure that Wilgenhof norms and culture are inculcated into (especially) first years, but also reinforced for returning students.

222. Under the next subheading, the panel deals more fully with the Nagligte ritual, its symbolism and how it perpetuates Wilgenhof culture.

Part 4: The Contents and Functions of the Two Rooms Within the Broader SU Culture

Introduction

223. The panel seeks to synthesise its factual findings concerning the contents and functions of the two rooms (as set out above), with the expert, academic insights provided by *inter alia* psychologists, sociologists and anthropologists. In so doing the panel will show how the Nagligte ritual: (1) achieves the enculturation of Wilgenhof culture in the residents of Wilgenhof; (2) serves to coerce membership of the Wilgenhof "group"; and (3) employs powerful, negative symbols that alienate those who are not members of the dominant, majority, white, Afrikaans group.

224. To summarise, the Nagligte ritual happens in secret, under cover of night, and in a private, designated room, hool 88. An old poster found in the TA referred to a 'Nachtwaak' (Eng: Night Watch). The ten Nagligte themselves are distinctively dressed in their black robes and pointed hoods, to deliberately disguise their identities. They outnumber each single student, who is the subject of discipline – there is an inherent element of intimidation. They speak in high-pitched, falsetto voices. They separate the subject from the group (taking him alone from his 'hool'),

conveying him to the grim hool 88, when he is subjected entirely to the absolute power of the Nagligte.

225. The panel found the insights shared by most of the experts, in understanding and interpreting the Nagligte ritual and artefacts discovered, illuminating and helpful. The panel learned that young men in particular are prone to develop initiation and enculturation rituals, with scant sense of appropriateness, which *must* be endured to gain membership of the group. Some of these key insights can be summed up as follows:

225.1. Unfettered masculine groups develop harmful and sometimes toxic patterns of behaviour based on creating groups that set out to dominate newcomers;

225.2. These groups create artificial experiences in which newcomers are demeaned, while at the same time encouraging them to overcome the manufactured hurdles presented, to gain admission into the particular group;

225.3. These experiences or practices include features such as invading newcomers' privacy; disrupting sleep patterns; using concepts and terms unique to the group; the requirement to endure strenuous or harsh physical activities ('trauma bonding');

225.4. Alcohol consumption, sometimes to excess, can often exacerbate the interventions that are deemed permissible;

225.5. Admission into and membership of the group depends upon defending its secrets and practices (outsiders must not be "let in on the secret" of the group's events, procedures, and behaviours);

225.6. Newcomers are gradually inducted as members, and receive approval and affirmation for their fortitude and success in achieving membership and subscribing to the values unique to the group (which are superior to other outside groups);

225.7. Compliance results in a strong sense of affirmation and belonging to the group, which consequently reinforces beliefs (among newcomers and existing members) that the trials which they have endured are necessary and valuable; and

225.8. Those individuals who are non-compliant may suffer from emotional manipulation, a sense of isolation, damage to their self-image and esteem, a negative impact on their studies, and depression. If they are prepared to speak out, they require anonymity for fear of retribution.

226. The Nagligte ritual and artefacts – an intricate disciplinary system developed by Wilgenhoffers themselves over many decades – demonstrated most if not all of these features.

Symbolism of the Klan

227. The most striking and enduring symbols of the Nagligte are undoubtedly their costumes.

228. That there are striking parallels between Nagligte symbols, practices, and late-night raids of the Ku Klux Klan ("***the Klan***" or "***KKK***") cannot be denied. This was confirmed to the panel by experts, including by reference to the following.

229. The Klan is that quintessentially white supremacist terror group, founded in the American South in the 1800s, whose chilling activities to harass, brutalise and murder black people (African Americans) are well documented.[68]

230. More specifically, in the earlier years the Klan's costumes were more a matter of necessity: they wanted to disguise themselves while conducting their raids and would use whatever was available or conveniently to hand. As the Klan developed and became a more established organisation, so too did its attire. They made use of black robes and hoods but are known most distinctively and generally for their white robes and white pointed hoods. Their hoods were sometimes marked and painted around eye holes and mouths. They were known to use fake horns.

231. The Klan were known to use falsetto voices.

232. The Klan were known for conducting night raids, during which they would take African American subjects from their homes at night and subject them to summary punishment, which might involve placing them, often naked or partially naked, on a table while surrounded by the KKK members.

233. The Klan operated outside the law; they were a law unto themselves and enforced their own values and rules of conduct. They were well connected within societal structures of government and power (also white and male dominated), which facilitated their being able to act largely with impunity. Their terrorist activities demonstrated absolute power.

234. The Klan had a phenomenal growth in membership in the mid-1920s in America, reportedly reaching some three million adherents at its zenith. It received international media coverage and there were active associations recorded at universities there. The Klan's history shows that periods of revival occur whenever the self-styled white Americans feel that their positions of privilege appear to be under threat.

[68] African Americans were the chief, not the only, target of the Klan.

235. Numerous present and past Wilgenhoffers strongly repudiated any connection between the costumes of the Nagligte and the KKK, or indeed any parallels between the two organisations. Rather, they informed the panel, the inspiration for Nagligte garb was drawn from mediaeval executioners in Europe (à la the Inquisition) or China or by random chance.

236. Even if the panel were to accept this explanation as valid, this does not dislodge the essential features of the Nagligte ritual, namely absolute power exercised by white males (power free of consequence/accountability); inhumanity; secrecy; secret punishment; intimidating/outnumbering the subject; the subject is rendered vulnerable by being partially clad; and the enforcement of rigid conformity, which remain clear and present.

237. In any event, and perhaps most importantly, the symbols represented by the costumes of the Nagligte cannot be separated from their meaning i.e. what they signify. One cannot reasonably conceive the Nagligte wearing their costumes (especially *in situ* in hool 88) without the accompanying meanings being evoked. Those symbols signify well-established notions of absolute power wielded by white men without consequence (the protection of anonymity, afforded by the hood, robe and shoes); the use of such power with impunity to coerce, oppress, to victimise, to humiliate; and of course, to enforce compliance with and adherence to values, norms or conduct.

238. The clear connection between such a ritual of discipline and enforcement, on the one hand, and the activities of the (white) apartheid police and security forces (even evoking images of Vlakplaas) in the history of our own country, on the other, must be acknowledged as being real and painful to so many black South Africans. Yet the very newcomers that SU is increasingly seeking to attract and educate carry with them the scars and legacy of that oppression. How can these symbols not serve to shock and alienate any 'outsiders': persons who do not form part of the majority white, male, Afrikaans, culture of Wilgenhof? In addition, many of these young people are disillusioned with South Africa's 'transformation', and these rituals and symbols serve to reinforce notions that nothing has really changed; that things remain stacked against them.

239. It was made known to the panel that, when the media published some photographs of the two rooms and their contents (albeit that the media reporting at the time was sensationalised and inflammatory), these symbols evoked reactions of anger, disgust, alienation, and fear among black SU staff and students on campus.

240. Black newcomers to Wilgenhof, presented with the Nagligte ritual, can reasonably be expected to feel visceral fear, intimidation and pressure to conform.

241. These symbols and their meanings to which the panel have referred should be apparent to any South African, not only black South Africans.

242. The fact that the Nagligte costumes and practices employ some symbols of the Klan, and the Wilgenhof community, who have acted out these rituals, cannot or will not acknowledge those symbols and their meanings, is a serious problem.

243. Prominent ou-Wilgenhoffers urged the panel not to "*make this a white boys fight about Wilgenhof's tradition*", and drew parallels with "*a broader context*" of Xhosa cultural circumcision and initiation practices in the Eastern Cape.

244. As the experts conveyed it to the panel, however, no amount of "contextualisation" can dilute the imagery of the Nagligte in costume conducting their disciplinary ritual, and the meanings associated with that symbolism (as dealt with above), for persons who are not part of the dominant group.

Nazi Symbolism: "88"

245. The panel noted that the number "88" is –

245.1. Used in the name of the Nagligte discipline room itself: "hool 88";

245.2. Written above the old door inside hool 88;

245.3. Written/painted on the hoods and some robes of the Nagligte;

245.4. Marked on the architect's plans for the new Wilgenhof dating from 1964;

245.5. Written in the Nagligte notebooks;

245.6. Used in drawings and paintings of the Nagligte found in the TA; and

245.7. Used in the Gedenkboeke.

246. The panel learned that the Nagligte disciplinary room was called 'hool 88' or 'Heilige Hool' since at least 1964 (the architect's plans) until 2021, when the Residence Head at the time told the panel that he had asked the Wilgenhoffers if they knew the meaning of the number 88. They said no. He explained to them the Nazi symbolism, and they elected to simply halve the number and rename the room hool 44.

247. Expert submissions to the panel confirmed that the number 88 has an established meaning and symbolism in the context of white supremacist movements. This number came into increasing use as a white supremacist symbol from 1933 onwards, when Adolf Hitler came to power in Germany. The number references the phrase "Heil Hitler" or "HH", which becomes 88, when H (the eighth letter of the alphabet) is replaced with 8.

248. The timeline banner in the TA records the building of "*die Heilige Hool 88*" in 1964. The phrase "*heilige hool*" alao seems to echo the word "*heil*" and to play on HH.

249. The panel noted that the number 88 is used specifically and intentionally where it appears. It does not form part of a sequence of numbers. It is used in isolation simply as a statement, a symbol (for instance above the door inside hool 88; or on the Nagligte hoods). No other number was observed by the panel to have been used in this fashion.

250. Media reports also referenced the use of the number 88 in the two rooms, and that it is a white supremacist symbol.

251. The panel sought an explanation for the use of the number 88 by Wilgenhoffers.

252. A number of written and oral submissions to the panel sought to dismiss or explain away the use of the number 88, and to disavow any connection with Nazism (which had been asserted in media reports). These explanations included the following:

    252.1. The room in question (hool 88) was situated between room numbers 87 and 89, so it was logically numbered 88 as part of the numerical sequence.

    252.2. The original Wilgenhof building consisted of 44 rooms. When the new building was built, the room was called 88 because the new building doubled the capacity of the residence.

    252.3. There are rooms and tunnels under the quad; the one below 88 is 44.

253. The first explanation is patently false. The rooms on either side of hool 88 (a bathroom and recreation room, respectively, not student rooms) are not numbered 87 and 89. There are only 25 numbered residence rooms on the ground floor where hool 88 is located.

254. The second explanation is also without any factual foundation. The new Wilgenhof residence building did *not* double the capacity of the original residence, as far as the panel can see. Neither did the original building consist of 44 rooms.

255. The third explanation is so far-fetched as to deserve no further comment.

256. Manifestly, none of the explanations offered even attempted to explain the use of 88 on the costumes of the Nagligte, in the Nagligte notebooks, and elsewhere.

257. No reasonable or acceptable explanation for the use of the number 88 was given to the panel.

258. The panel was left to construe this number or symbol in light of *inter alia* the history of Wilgenhof as a product of South Africa's white supremacist past; the origins of the Nagligte and the other symbols used by the Nagligte (as described above). One should also take into account the lengths to which Wilgenhoffers have gone to keep the activities of the Nagligte and the contents of the two rooms secret from outsiders.

259. As the panel pointed out with reference to the Nagligte costumes (paragraph 237 above), established symbols cannot be separated from their meaning i.e. what they signify to third parties.

260. In the TA there was a photograph of a student in the Wilgenhof quad wearing what appeared to be a Nazi uniform with a swastika on his sleeve.

261. Having regard to all these considerations, the panel concludes that the number 88 was used in the two rooms and on certain items therein to convey notions of white supremacy.

Bodily Integrity Is Challenged

262. It is not only the symbols which play a significant role in initiation-type rituals. Bodily integrity is often undermined or invaded, too. So, for instance those who were subjected to Nagligte discipline do not participate fully and ordinarily clothed. They were originally hauled naked before the Nagligte, but recently (since 2020) have been allowed to wear only shorts and a vest.

263. This increases vulnerability and heightens the physical exposure of the body and its subjection to the disciplinary authority. There is an inherent element of humiliation. The invasion of personal dignity is obvious. It is in that state of undress that the subject is berated by the Nagligte in hool 88, and the sanction of eating aloe crystals and drinking linseed oil is meted out there and then.

264. The now discontinued sanctions of painting the physical body of the subject with black window paint to various degrees also typified in a tangible sense an invasion of bodily integrity.

265. Violence in a broad sense also features in initiation rituals. If the violence is not 'simple' harm directed against the physical body, it can also manifest in the form of the apparent threat of violence or the compulsion to do something.

266. It must be recorded that the panel found no evidence of physical violence, sexual violence or sexually inappropriate conduct having been perpetrated by the Nagligte against residents of Wilgenhof.

267. The notebooks of the Nagligte recorded their 'lope' using obscene language, often accompanied by drawings of male genitalia and replete with sexual references, sometimes debasing women.

268. As a group, however, the Nagligte may *appear* to present the threat of violence: the subject is outnumbered and confined in hool 88, at their mercy. Anything could happen to him there at the hands of these black-clothed figures (viewed together with what they symbolise), and there is no hope of help from a community whose first loyalty is to the group (Wilgenhof). The subject is ultimately given aloe crystals and oil to consume in varying quantities as a sanction. He is not forced to do so (the panel was told), but there is little genuine room to refuse.

The Nagligte Disciplinary System Is Designed to Foster the Group

269. An "ordinary" disciplinary process would involve a competent authority considering and determining the guilt or innocence of a subject based upon evidence. An appropriate sanction, if warranted, would then be handed down. This could be an open process. The goal is to correct the behaviour and perhaps to make restoration e.g. through community service. The Nagligte disciplinary process departs from such a process. Its symbolism and ritual are deeply infused with meaning intended to foster and deepen the subject's sense of belonging and loyalty to the group, which is primarily what an initiation ritual is intended to do. The purpose of punishing infractions of Wilgenhof's often trivial internal rules (such as having your hands in your pockets) is evidently merely the vehicle to achieve this primary purpose.

270. In light of the history of Wilgenhof, it is important to remember that 'the group' was a largely white, male and Afrikaans-speaking group, with a high degree of homogeneity. But SU's student body of today no longer shares these features to the same degree: today's 'group' is no longer the group that SU historically sought to serve.

271. One of the justifications put forward by advocates for the Nagligte disciplinary process is that the student who subjects himself to it has consented. This is indeed so: the crime slip requires the student to choose whether he wishes to subject himself to the traditional disciplinary system, or not. This 'consent' justification goes further: its advocates refer with approval to the confidential speech given by [redacted] in 2002 (see paragraph 190 above), and on that basis argue that those choosing the Nagligte ritual do so freely.

272. It is open to question whether a first-year's consent to "traditional" discipline is fully informed.[69]

273. Notably, [redacted] speech rejects practices that are in conflict with the Constitution's guiding principles and values: human dignity, informed consent and no coercion or humiliation.

274. At first blush the twin safeguards of full information and informed consent might *appear* to be sufficient to clothe the Nagligte disciplinary process with legitimacy in a particular instance. But this conclusion is flawed and cannot stand, in the panel's view, when regard is had to the wider context.

275. Specifically, a resident is 'crimed' in public in the Wilgenhof dining room, surrounded by his peers. The whole group sees when the resident in question is handed his 'crime' slip and must now elect whether to be subject the traditional or parallel disciplinary process. Everyone (except a few new students) knows that a 'loop' with the Nagligte occurs weekly on Tuesday night. Anyone in the residence who cares to pay attention would therefore know whether the 'crimed' resident has "bought into" the Nagligte disciplinary system, or whether he has elected to "opt out" and follow the parallel system. Stated differently, all Wilgenhof residents would know whether the student in question seeks to 'belong' to Wilgenhof, or whether he repudiates this core Wilgenhof tradition. There is peer pressure to accept the traditional discipline in order to conform and belong to the group. The alternative is to be left "in the cold" and excluded.

276. Properly construed in context, then, the Nagligte disciplinary process is not one where genuine consent is freely given; or where the choice is not free of consequences. Indeed, it is a stark election which the student must make: it is either to conform to Wilgenhof's traditions, and thus to belong to the group, or to repudiate those traditions and to incur the consequences of doing so.

277. It is important to bear in mind the fact that one of the benefits of having resided in Wilgenhof is access to the alumni network of ou-Wilgenhoffers. The value of this network cannot be overestimated. Today's graduates face unprecedented pressure to compete for limited employment opportunities in a shrinking and highly competitive labour market. Students are undoubtedly mindful of the power and influence exercised by ou-Wilgenhoffers, many of whom are well placed as commercial and business leaders and captains of industry. A reward for "opting in" to Wilgenhof and all its traditions is to become a member of this group and

[69] So, for instance, the first year may be unaware that: the disciplinary action is to occur late at night and may disrupt sleep; that he will have to attend wearing only shorts and a vest; that the disciplinary 'panel' comprises 10 men disguised from head to toe in frightening black, hooded costumes; that he may have to eat and drink aloe and oil; and the list of the arbitrary and invasive features of the ritual go on, and are dealt with in detail herein.

thereby to access this valuable network. The price for "opting out" of Wilgenhof and its traditions, it follows, is exclusion.

"The Nagligte Ritual Is Just a bit of Theatrical Fun and Humour"

278. Another justification urged on the panel by ou-Wilgenhoffers in favour of the Nagligte disciplinary process is that the ritual is, at its essence, an ingeniously conceived and choreographed theatrical experience, laden with humour, irony, and secrecy. There is no physical violence or humiliation. None of the costumes or practices of the Nagligte originate from, or are intended to reference, any racist or white supremacist basis or ideology. Rather, the whole ritual is innocent and conducted in a good spirit. The sanction meted out, at worst, results in a horrible taste, some unpleasantness and queasiness for the subject; but nothing serious or of any lasting impact.

279. This explanation, by way of justification, is what many ou-Wilgenhoffers rely on when they insist that the panel must consider the Nagligte, the two rooms and their contents "*in context*". Put differently, the panel has been asked not to engage in "presentism": to judge practices of old by the values and standards of today.

280. Many ou-Wilgenhoffers have described their discipline at the hands of the Nagligte as an amusing or character-building experience. The panel accepts that. This, however, is not generally the experience to be expected these days, at a time when Wilgenhof is seeking to attract and retain a more diverse student body, and the University is striving towards greater diversity and inclusivity.

281. The fact that the Nagligte disciplinary ritual may be "theatrical" does not mean that the overall experience of this ritual by some is any less impactful or overpowering, or that those subjected to it are given any kind of freedom in the moment. The authority and power of the Nagligte remain clear. For instance, it is forbidden to imitate the Nagligte by speaking in a falsetto voice.

282. In addition, rituals of this kind inherently entail the inversion of the norm, for instance where people play act as animals, as women or something else. This resonates at Wilgenhof: the use of falsetto voices does not make the members of the Nagligte to be clowns; on the contrary, they use those voices because they *can*. Another example is the earlier tradition of wearing the pig's head by the "Chief": he does so not to evoke humour; rather, he wears the animal's head because it is an inversion of the norm and because he has the power to do so.

283. These elements of the ritual all convey absolute power. The theatricality or occasional humour does not mean that the ritual becomes less powerful in what it conveys to those subjected to it.

284. As far as the alleged humour is concerned, the rhetorical questions also arise: who is laughing? And at whose expense?

285. One of the related themes under this subheading, that also came through clearly from ou-Wilgenhoffers, is that outsiders (referred to in Wilgenhof slang as "*die skewe wêreld*") simply cannot understand Wilgenhof, its context, rituals and rich history, because they *are* outsiders. This stance was to be expected, as the experts enlightened the panel, and is not persuasive; the panel does not accept it. The contrary is the true position: it is the Wilgenhoffers themselves who inhabit the echo-chamber where their own perspectives reverberate and gain mutual approval. Those perspectives are disconnected from the outside world (the University and our society), which has moved on and seeks to pursue new values and priorities of transformation and inclusivity.

286. These group rituals tend to be a feature of men's residences. And what the panel was advised is that first-year students residing in such residences tend to exhibit a downward trend in their academic performance as the initial year progresses.

287. The extent to which alcohol has played a role in Nagligte rituals was not entirely clear to the panel. Alcohol did play some role, as indicated by the presence of alcohol bottles in the two rooms. Put at its lowest, one would not expect the taking of alcohol before or during the ritual to moderate any of the adverse effects thereof for the subject. That, apart from the fact that alcohol consumption is banned in SU residences (unless alternative terms of use are first negotiated with the Centre for Student Life and Learning).

288. It was impressed on the panel by numerous ou-Wilgenhoffers that one of the key values of the residence is free and independent thought (*'moenie 'n pappegaai wees nie'*). The panel accepts that that is indeed so, as it was uniformly expressed as such by almost every past and present resident of Wilgenhof with whom the panel interacted. Nobody could reasonably dispute the value of free and independent thought, especially in the context of a university.

289. The panel also endorses the ideals of personal autonomy, independence of thought, and a healthy questioning of authority that Wilgenhoffers profess.

290. What seems to obtain at Wilgenhof, however, is that free and independent thought is subservient to loyalty to the group. This is evinced, for instance, in such Wilgenhof values as secrecy (*'moenie uitpraat nie'*): it is strictly forbidden for Wilgenhoffers to discuss any of their activities and residence goings-on with outsiders,[70] on pain of discipline. So, free and independent thought has its limitations at Wilgenhof.

[70] The panel consistently heard evidence from Wilgenhoffers, fellow students and SU stakeholders that Wilgenhoffers do not disclose what takes place in the residence. Fellow students, who asked about strange goings-on, were just fobbed off.

291. Boys who have already undergone a cultural initiation ritual that marked their passage to manhood are unlikely to find value in subservience to the Nagligte, or in their bizarre disciplinary rituals and sanctions.

Reunions and the Wilgenhof Association

292. Reunions came up quite frequently in the written and oral submissions before the panel. This raises the issue of the role of alumni reunions in perpetuating the Nagligte rituals.

293. The panel received submissions concerning the popularity of periodic Wilgenhof reunions, and of the high value placed on the Nagligte ritual by ou-Wilgenhoffers, to the extent that they have even entreated the Chief of the Nagligte to perform a 'loop' as part of their reunion, for old times' sake. The ou-Wilgenhoffers spoke of this ritual with a deep sense of nostalgia.

294. The panel refers to paragraph 455 below, which explains how the ou-Wilgenhoffers demanded a full-scale Nagligte 'loop' at their recent 2023 reunion, complete with black costumes, linseed oil and aloe crystals.

295. These attitudes, however, rooted in the past as they are, serve to sustain and invigorate these traditions even in circumstances where: (1) they are no longer relevant or useful today; and (2) the young residents of Wilgenhof themselves might be inclined to change or jettison them for their own reasons.

296. The voices of the ou-Wilgenhoffers are senior voices of those already initiated into the group; their views enjoy legitimacy and have the benefit of age and wisdom. If they want to relive a 'loop' or are heard to complain that a 'loop' is not done properly or that the Nagligte are "going soft", that serves to reinforce these rituals. Not only that. The fact that ou-Wilgenhoffers can come onto the SU campus and relive these rituals demonstrates, at its lowest, that SU is not opposed to such activities in the name of tradition.

297. The panel was also informed that the Wilgenhof Primarius and Archivist, by virtue of their positions as such, participate in the meetings of the Wilgenhof Association.[71] On the face of it this provision appears innocuous. But the panel would caution the University again allowing alumni (ou-Wilgenhoffers) to meddle, entrench, or even just "keep tabs on" the affairs of student residences. Students and student leaders should be left to make their own way in residence (within the framework of SU's values, rules and policies applicable to residences, under the watchful eye of the Residence Head). That is part of the "growing up" and self-actualisation process that is such an essential part of residence life.

[71] Refer to paragraph 484.

Conclusions and Recommendations

298. It is essential to bear in mind that the men now entering Wilgenhof as new students of SU are drawn from a wide variety of backgrounds, cultures and racial groups.

299. The Nagligte ritual is an outdated ritual incorporating well-established, negative symbols associated with white supremacy. It is an attack on the bodily integrity and human dignity of those who participate in it.

300. The panel heard from staff and student representatives of the Victoria Cluster, as well as SU student leadership, who spoke of their shock and repugnance on the revelations around the two rooms in January 2024. Some were moved to tears, so deeply were they affected by the imagery and negativity of the Nagligte activities that they saw manifest. They feel embarrassed. They do not wish to be associated with these divisive symbols of the past.

301. The Nagligte ritual is rooted in fostering the values and culture of the dominant white, male, Afrikaner group.

302. It was made clear to the panel that staff and students of colour on the SU campus have generally been appalled and angered by the symbolism and activities represented by the Nagligte. They feel this is a throwback to the SU of old; this episode genuinely sets the SU back in its transformation journey towards diversity and inclusivity.

303. The Nagligte disciplinary ritual is not inclusive. It is in fact exclusive. It has been crafted by and appeals to a particular segment of our society (e.g. white students who attended historically/largely white, long-established, boys' high schools, which also for many years had their own history of initiation practices), but has no relevance or constructive resonance for so many others.

304. The Nagligte ritual is out of step with our constitutional and democratic principles; it is unacceptable and demeaning. The University has repeatedly sought to stamp it out or to achieve fundamental change to align these practices with the values of SU, to no avail (as the panel has demonstrated above). The Wilgenhoffers have not shown a genuine acknowledgement of the fundamental flaws of the ritual and a commitment to eradicate it and change the Wilgenhof culture fundamentally.

305. The largely white, male, Afrikaans speaking group of ou-Wilgenhoffers (with a lesser number of white, male English-speakers, too), simply do not see or accept that the Nagligte ritual in hool 88 has these deeply troubling and divisive features. This failure to acknowledge the history, symbolism and white privilege is in itself profoundly problematic.

306. The justifications put up by Wilgenhoffers to substantiate the value of the Nagligte ritual are not compelling. They take no or insufficient account of the University's drive to transform and include all South Africans in keeping with the rights and values of the Constitution.

307. The reunions held at Wilgenhof, and the participation of the Wilgenhof Association in residence affairs, also appears to contribute to sustaining and reinvigorating the Nagligte ritual, instead of stimulating change in line with SU values.

308. **The panel recommends** that SU consider how best to limit the inappropriate involvement or interference of alumni associations in the affairs of residence life and the House Committees. The panel acknowledges the vital and important role played by alumni/alumnae in the life of the SU, and this recommendation should not be seen as an attack on that.

309. **The panel recommends** that SU consider how best to further regulate reunions on campus: rules pertaining to the types of activities that are acceptable on campus must be applied also to alumni/alumnae reunions and to events scheduled to occur in University residences by people other than residents.

Part 5: Wilgenhof Culture and Practices are Inimical to SU Values, Human Dignity and the Operations of Residences

310. It is appropriate to start this section by drawing attention to certain key background principles and values emanating from five 'foundational' documents, namely: (1) the Constitution; (2) the Statute; (3) SU's Restitution Statement; (4) SU's Vision2040; and (5) the Code 2040: SU's Integrated Ethics Code. Thereafter, the panel will deal more specifically with the question of the encroachment of Wilgenhof culture on the values of SU and human dignity.

The Constitution

311. The Constitution is the supreme law of the Republic. All law and conduct inconsistent with it must be rejected as having no place in our society.

312. The preamble of the Constitution,[72] often overlooked but so important, sets the tone for everything that follows. It captures powerfully the background to the

[72] "We, the people of South Africa,
Recognise the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity.
We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to –

Constitution, the challenges that existed at the time of its promulgation, and of course the aspirations of this country and our society.

313. The Constitution clearly contemplates *inter alia* that, as a society and in every facet of our society, we must:

313.1. Recognise the injustices of our past;

313.2. Believe and accept that South Africa belongs to all who live in it;

313.3. Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.

313.4. Unite in our diversity.

314. These actions must be followed to enable us to achieve genuine transformation and nation-building in our society as a whole.

The Statute

315. The University's revised Statute, promulgated in 2019, seeks to align the University with the Constitution and the Higher Education Act.

316. Section 5 of the Statute stipulates core principles of management and administration of the University. The panel highlights the following principles, namely: (a) representivity, inclusivity and participation; (b) a high standard of ethics; (c) outcomes-orientated performance; (d) the efficient, effective and sustainable use of resources; (e) responsiveness to the well-being of the University community and the society which the University serves; and (f) responsibility, transparency and accountability.

317. The Statute echoes the Higher Education Act in providing that the Rector and Vice-Chancellor is responsible for the management and administration of the University and confirming that he is ultimately responsible for student discipline.

The Restitution Statement

318. In its centenary year of 2018, SU adopted its Restitution Statement:

Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
Improve the quality of life of all citizens and free the potential of each person; and
Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.
[concluding prayer and blessing]."

> *"Stellenbosch University (SU) acknowledges its inextricable connection with generations past, present and future. In the 2018 Centenary Year, SU celebrates its many successes and achievements. SU simultaneously acknowledges its contribution towards the injustices of the past. For this we have deep regret. We apologise unreservedly to the communities and individuals who were excluded from the historical privileges that SU enjoyed and we honour the critical Matie voices of the time who would not be silenced. In responsibility towards the present and future generations, SU commits itself unconditionally to the ideal of an inclusive world-class university in and for Africa."*

319. In the Restitution Statement, SU acknowledges its contribution to the "*injustices*" of the past. In order for SU's "*apology*" to be meaningful, the vestiges of those injustices must be obliterated where they hinder the inclusion of "*the communities and individuals who were excluded from the historical privileges that SU enjoyed*".

Vision 2040

320. SU's vision is that, by 2040, SU "*will be Africa's leading research-intensive university, globally recognised as excellent, inclusive and innovative, where we advance knowledge in service of society.*"

321. SU values, which are intended to guide behaviour towards achieving its Vision, are Excellence, Compassion, Accountability, Respect and Equity.

322. SU also purports to "*stand for*" an "*organisational culture built on shared values*".

323. Among the various "*enablers*" that SU sees as making it possible to achieve its Vision 2024, SU identifies its staff and students.

324. SU's Mission, which forms part of the Vision 2024, is formulated as follows:

> *"Stellenbosch University is a research-intensive university, where we attract outstanding students, employ talented staff and provide a world-class environment; a place connected to the world, while enriching and transforming local, continental and global communities."*

325. The Institutional Goals for this mission are to provide a unique, personalised student experience that serves as a catalyst for transformational change amidst opportunities for engagement and development through a first-class academic offering, which prepares graduates to lead and excel in a diverse world.

326. The student body (unsurprisingly) lies at the heart of SU's vision for the future, which is that of a leading African university with diversity and inclusivity among its core drivers.

Code 2040: SU's Integrated Ethics Code

327. Code 2040: SU's Integrated Ethics Code, approved by Council in November 2022, is the University's highest statement of ethics.

328. Code 2040 seeks to translate SU's institutional values into a set of high-level guidelines that regulate conduct at SU, with the ultimate goal of attaining Vision 2040.[73] It is aligned with Vision 2040,[74] and seeks to put SU's values into action.

329. One of the key focus areas of Code 2040 is to promote the human dignity of, and mutual respect for, all SU stakeholders.[75]

330. SU is a public, tertiary, educational institution reliant in part on public funds. It must operate ethically, transparently and accountably.

331. Code 2040 does not replace the 'golden rule' – treat other people as you would have them treat you. In addition to adhering to Code 2040 and SU governance documents, stakeholders (including staff and students) must naturally be guided by their conscience as to what constitutes ethically appropriate behaviour.

332. To summarise by reference to these five foundational documents:

    332.1. SU's documents acknowledge expressly and impliedly that diversity, inclusivity and transformation have *not* been hallmarks of the University's long history, which is why they are now intentionally being pursued.

    332.2. The University holds diversity, inclusivity and transformation of its student community as an essential priority.

    332.3. Transformation will only be achieved where, as stated in the institutional goals, the "*student experience*" catalyses such change. It is noted that, out of a student complement of some 33,000, about 8,000 students live in residence. A healthy, dignified, respectful and inclusive residence culture is thus critical if the University is to live its values and achieve its vision and mission.

Wilgenhof's Culture Including the Nagligte Ritual Conflicts with SU Values, Ethics and Human Dignity

333. It should go without saying that Wilgenhof culture, rituals and traditions ought to be aligned with the University's values, ethics, vision and mission. There is a serious misalignment, however.

[73] Para A.3.
[74] Para A.4.
[75] Para F.7.

334. The panel has described in detail the Wilgenhof disciplinary ritual associated with hool 88 and all the paraphernalia found in the TA. It is not necessary to repeat it.

334.1. It is readily apparent from the panel's description that hool 88 has for many decades been the venue for a ritual which has no place at SU.

334.2. The activities of the group of eight to ten Nagligte (clad in costume) in hool 88, to discipline a solitary, "crimed" fellow resident, reasonably constitute an assault on the human dignity of the individual concerned, particularly where that individual is a person of colour who does not fit into, or identify with, the established majority white, Afrikaans, male culture of Wilgenhof.

334.3. That the Nagligte ritual and symbolism would be perceived as alienating and humiliating by persons not forming part of the majority group of white, male, mainly Afrikaans speaking men in Wilgenhof is clear and inescapable. This is not to say that certain members of that majority group, too, might not also feel coerced and humiliated by this ritual.

335. Added to this, Wilgenhoffers take pride in keeping their activities and rituals secret from any outsiders. This is fostered by the use of Wilgenhof slang: a considerable vocabulary built up over decades, that also allows Wilgenhoffers to discuss their activities and exploits without third-party listeners understanding what they say and maintaining their inside joke.

336. This culture – the desire to perpetuate divisive disciplinary rituals protected by a culture of secrecy – is profoundly destructive and unhealthy. It contradicts SU's values, ethics and aspirations insofar as it seeks to foster diversity, inclusivity and transformation.

337. It is also a central element of Wilgenhof culture that it considers itself to be set apart from the rest of the University and a law unto itself. This attitude runs counter to the values and aspirations of the University, and entrenches the majority White, Afrikaans, male culture of Wilgenhof, which subsists to the present day, as the panel has observed.

338. In keeping with their attitude of "separateness", Wilgenhoffers resist the authority of the University (the immovable, cast-iron canon outside the entrance to Wilgenhof takes aim at the Ou Hoof gebou – 'die Kremlin', as it is known in Wilgenhoffer slang – historically the seat of the University's administration and a symbol of its authority). This attribute, in the panel's view, goes beyond a mere healthy questioning of authority. It is closer to the attitude that Wilgenhoffers know best how to regulate their affairs, because their culture is superior. Critics of Wilgenhof do not – and could not – understand Wilgenhof culture.

339. If Wilgenhoffers accepted the authority of the University fully, they would be prepared to genuinely acknowledge the harmfulness of the Wilgenhof culture and

rituals. Yet, a number of Wilgenhoffers adopted the view that, if someone does not like the Wilgenhof culture, he is free to leave Wilgenhof; he is not forced to stay and ruin things for everyone else. That is not a satisfactory answer, especially not in light of SU's endeavours to foster inclusivity and diversity. Not only does that attitude entrench the majority (i.e. the white, male and Afrikaans majority in Wilgenhof); but also, only the bravest 'minority' (i.e. in this context, BCIA) voices will actually speak out against the harmful practices at Wilgenhof. Those few minority voices must be heard and taken very seriously. That is exactly what the panel seeks to do. It would be wrong to approach this particular issue as 'a numbers game',[76] saying that there have only been relatively few complaints, so the issues with Wilgenhof culture cannot be *so* serious or significant. This accords entirely with the expert advice given to the panel.

340. If Wilgenhof had genuinely acknowledged the University's transformation project, that acknowledgment would have been accompanied by a genuine commitment by Wilgenhoffers to break from the divisive rituals of the past, once and for all. But such a genuine break from the past is not evident.

341. These features of Wilgenhof culture are evidenced, amongst others, in several examples of conduct of Wilgenhoffers (even independently of the entry into the two rooms in January 2024).

342. First, there is a history going back many decades demonstrating the University's endeavours to encourage or compel Wilgenhof to stop Wilgenhof's 'doop' and disciplinary practices, or to align them with University policies and rules (see paragraph 179 and following).

343. Wilgenhoffers have responded by suspending their disciplinary rituals and/or tweaking them, but with the ultimate intention of retaining the essence of them. The latest example of this occurred in 2020, in the incident leading up to Wilgenhof's "Renewal" initiative. Notwithstanding such "Renewal", the panel noted: (1) the retention of hool 88 and the contents of the TA "as is" (for what purpose, one asks, if not to use the rooms and all the Nagligte paraphernalia once again in the future for disciplinary practices); (2) the continuation of Nagligte activities; and (3) the performance of Nagligte 'lope' off-campus on a private farm.

344. This conduct pays 'lip service' to the University's values and ethics (not to mention its disciplinary code and rules, as further dealt with below), instead of

[76] An ou-Wilgenhoffer wrote a letter to *Die Burger* in response to media reports on the two rooms earlier this year, adopting exactly this line. He said (translated) that "*...an institution with strong views* [Wilgenhof] *cannot have a 100% satisfaction rate. The question, however, is whether the precious, meaningful, and enriching experience of 95% of participants should be withheld for the sake of 5% who feel differently, and a majority of outsiders with no perspective who believe the 95% should feel differently.*"

demonstrating the genuine adoption and internalisation thereof by the Wilgenhof community.

345. The second example of Wilgenhoffers' conduct relates to the installation of shower cubicles in the Wilgenhof ablution facilities, which was done over the December 2023 – January 2024 period. Up to that time, Wilgenhof's main bathroom on the ground floor provided only one large, open room equipped with numerous shower heads, so that residents would shower with their fellows and without any privacy.[77] This building work to install cubicles was done by the University to bring Wilgenhof in line with similar upgrades that had been installed systematically in other men's residences. Obviously providing private shower facilities should be a *minimum* requirement to ensure that residents of Wilgenhof of diverse backgrounds and identities feel included, safe and at home in the residence. Immediately, on the first night when the students returned to Wilgenhof, they dismantled the newly installed cubicle doors and divider panels. In a second incident, cubicle doors were ripped off their hinges, and panels were ripped out of the wall and cracked. Two of the doors were broken in half. The damage was clearly malicious – the doors were deliberately damaged. Only half the doors and panels could be reinstalled, the rest were damaged beyond use. The repair work is costing the University tens of thousands of Rands.

346. These incidents illustrate the sense among the Wilgenhof community that *they* "own" the residence ("*die Plek*", in Wilgenhof slang) – that the Wilgenhof buildings and facilities comprise a sacred, reserved, and unique domain distinct from the rest of the University.

347. This sense of "ownership" is a deeply-held view among the mainly white, male, Afrikaans-speaking community of Wilgenhoffers past and present, who take pride in the facts that: (1) Wilgenhof pre-existed the University itself; and (2) the survival of Wilgenhof was "*bought and paid for*" in December 1959 by Wilgenhoffers themselves: in accordance with the University's stipulation, ou-Wilgenhoffers and Wilgenhof residents themselves raised the substantial sum of £15,000, being 50% of the funds required by the University to replace the original Wilgenhof residence building.[78]

348. This sense of ownership is also manifest in the facts that:

[77] There are only two, single, private showers located in 'Bachelors'.

[78] In 1949, the Cape Province offered SU substantial financial recompense for SU to alienate the portion of its property on which the aging Wilgenhof residence stood, and SU needed to build a new residence block. The Province wanted to use the land for the Bloemhof Afrikaans High School. The SU was attracted by the sum offered. After negotiation, the ou-Wilgenhoffers obtained a concession from SU: the land would not be sold to the Province if half of the cost of a new building (£30,000) could be raised within a decade.

348.1. "The Members of the Wilgenhof Bond" – *not* the University – have secured the registration of the names "Wilgenhof", "Willows" and "Die Plek" in their favour;[79] and

348.2. The Wilgenhof residence itself (rather than SU) has registered the domain name https://www.wilgenhofresidence.co.za/, the official website of Wilgenhof.

349. All this feeds into a profound sense that the Wilgenhof community (the white, male, Afrikaans-speaking community of Wilgenhoffers past and present) owns the residence and that Wilgenhof is special and set apart from any other residences at the University.

350. This sense that Wilgenhof is an exclusive enclave runs contrary to the University's aspirations and values of diversity, inclusion and transformation.

351. Apart from the open showers, Wilgenhof has also sought to forge its own path, separate from other residences at the University, as far as residence furnishings are concerned. Some years ago, the decision was taken by the University that double bunks would no longer be permitted in residence rooms. This decision was implemented at significant cost across all residences. It was, however, met with substantial resistance at Wilgenhof. As a reaction to it, many Wilgenhoffers proceeded to create their own wooden conversions to the beds to create home-made double bunks. When SU Facilities Management replaced these with metal-frame single beds, these metal beds were placed outside the rooms and again replaced with the home-made bunks.

352. The state of the accommodation facilities at Wilgenhof has, as a result and over many years, undermined the University's intention of realising meaningful third-stream income from Wilgenhof, which it might otherwise have done by renting out the Wilgenhof residence to third parties as accommodation for other functions and events during vacation times. This, in turn, undermines the sustainable use of residence facilities, as contemplated in section 5(d) of the Statute.

353. In any large organization, sound practice dictates that the institution's value-system must be lived by all stakeholders in the organisation. Not so in the case of Wilgenhof, where the panel see a disjuncture between the values espoused and the behaviour in reality: a case of "appearance vs reality".

354. In 2001, the then Wilgenhof Residence Head formulated the lived ground principles of the residence thus: equality and seniority; respect for one another; critical disposition; independence and discipline; traditional alignment; homeliness; gentlemanly orientation; and achievement driven.

[79]The names are registered in class 25 (applying to clothing, footwear, and headgear).

355. More recently in 2020, as part of Wilgenhof's "Renewal" initiative, Wilgenhof's ground principles were revised and replaced with the following: excellence, respect, individuality, sense of community, and critical thinking.

356. On the face of them, the Wilgenhof ground principles appear sound and in harmony with those of the University. Indeed, the submissions received from the Wilgenhof Association and many Wilgenhof alumni, across a wide spectrum of age groups, consistently lauded these principles and emphasised how they are lived at Wilgenhof. In particular, the panel heard a great deal about the values of independent and critical thought, and of respect for diversity across race and sexual orientation. In that vein, the names of outstanding ou-Wilgenhoffers such as [redacted] and [redacted] were repeated again and again, to vindicate the purity and excellence of Wilgenhof's culture and values.

357. Those are doubtless eminent characters, who might have reached those same heights irrespective of the SU residence they attended. As against the great and the good, however, nothing was said about the ou-Wilgenhoffers who over its long history made their "*contribution towards the injustices of the past*".[80]

358. In any event, the issue as the panel sees it lies not with Wilgenhof's well-formulated principles or the adoption of these documents. Rather, the issue lies in the *implementation* of the principles and values in the context of our democratic South Africa and in light of the University's values and aspirations.

359. This issue has manifested in the troubled interactions between the University's executive and senior administrators, on the one hand, and the current and previous generations of Wilgenhof residents, on the other, in the context of initiation and disciplinary rituals. These interactions, it appears, have been characterised by secretiveness, apparent acquiescence and the semblance of reform on the part of the Wilgenhoffers, as explained above. This is because SU's values and Wilgenhof's values are misaligned.

360. The panel heard evidence that residences have their own set of values that do not necessarily align with those of SU. During the 'Annual Conversation' in student communities at the start of the new leadership term, a part of this conversation focuses on values. When first years arrive on campus, they also receive maroon shirts that have the values of SU printed on the T-Shirts. SU's values are well-known. But this does not seem to result in alignment between SU's values and those practices in all residences, specifically Wilgenhof.

361. Several stakeholders presented to the panel that, while there is a lot of emphasis on SU values, insufficient attention and importance is placed on the Restitution

[80] To quote the University's Restitution Statement.

Statement. This plays into another narrative that emerged in submissions to the panel, namely that SU is successful in producing yet more and more laudable-sounding policies, value statements and the like, but falls short in actually implementing and realising those policies and values. The issue engaging this panel would appear to be an example of such a disjuncture between SU's espoused values and the realisation thereof at Wilgenhof.

362. Many Wilgenhoffers (older and younger) who appeared before the panel contended that the Nagligte are necessary, and that without them Wilgenhof would descend into 'chaos'. They almost all told the panel that although their experience at the hands of the Nagligte had been unpleasant, it was a necessary evil to maintain order. The panel disagrees that the Nagligte are necessary.

362.1. No other residence at SU has its own internal disciplinary body like the Nagligte. Yet they do not live in chaos.

362.2. If Wilgenhoffers lived by SU values and ethics of Code2040, instead of under the threat of the Nagligte, there is no reason to conclude that chaos would ensue.

Conclusions and Recommendations

363. The Wilgenhof culture, and the Nagligte ritual at its core, stands in the way of aligning this residence with the University's values and ethics.

364. The panel has described in the preceding paragraphs the negative impact of Wilgenhof's practices, which serve to undermine the University's transformation project, and taint relationships between Wilgenhof residents and the rest of the student body and University personnel.

365. The panel identified a strong theme that the identity of Wilgenhoffers as such – primarily *Wilgenhoffers* – surpasses their identity as *Maties*. Loyalty to Wilgenhof (not the University) is paramount. This cannot be allowed to continue. Wilgenhof is part of, and belongs to, the University. Wilgenhof must conform to the University, not the other way around.

366. Nagligte rituals have been tolerated and even accepted by the University authorities.

367. All residents of Wilgenhof must be able to feel welcome and included. This is not fostered by the Wilgenhof culture, and the traditional Nagligte disciplinary ritual at its core. It is clear that in a modern society founded upon democratic values, with *inter alia* transformation, diversity, inclusion and dignity at the forefront, there is no place for the Nagligte ritual, enforced by characters dressed up in costumes echoing those of the KKK garments or medieval executioners.

368. Such traditions that are culturally embedded in the white, male, Afrikaans culture and history, which are the basis of the Nagligte traditions, do not foster inclusion of other groups that must now form the new majority of the SU student body.

369. Wilgenhoffers do not seem to appreciate the negative impact of their culture and rituals on the personal rights of certain individuals. This is because they elevate belonging to the Wilgenhof group above the rights of the individual.

370. The panel takes note of the many distinguished students from SU that have made positive contributions in various walks of life and brought honour to the institution. Some of these achievers also lived in Wilgenhof. But these outliers do not justify the continuation of the Nagligte ritual and Wilgenhof's culture.

371. The chasm between SU's vision and values and the entrenchment of the traditional rituals and culture of Wilgenhof is too wide.

372. Residence traditions that are contrary to changing societal norms and values, and which are at variance with SU's values and strategic direction, have no place.

373. Wilgenhof's culture and practices, as identified by the panel, embarrass the University and bring the University into disrepute.

374. The University and its stakeholders must act courageously in critically evaluating all elements of university life and embracing change. There is no place for an attitude of defensiveness. So-called 'tradition' for its own sake must not be permitted to stymie the enterprise of institutional renewal and transformation of SU and its residences.

375. New traditions can and will be built, but those must be traditions founded upon the democratic values of our Constitution.

376. The Council and Senate are committed to leading SU into a new era while retaining its pursuit of excellence. This requires behaviours and commitment from all members of the University that will cultivate a university characterised by inclusivity, deep and intentional transformation, and diversity. Wilgenhof's culture and practices cannot be allowed to undermine this.

377. SU is committed to creating opportunities for the advancement of multilingualism in academic, administrative, professional and social contexts, whilst recognising the intellectual value inherent in linguistic diversity. Inevitably the University will continue to see changes in the size, shape and mix of its student population and of the academic programmes to mirror the strategic direction of Vision 2040. The practices of the Nagligte, facilitated by Wilgenhof's culture, do not meet this standard.

378. SU will not succeed in its transformative mission – of becoming a leading university in Africa – if it allows such traditions to create an environment that repels outstanding students from different backgrounds; or, if such students do join the institution, they are alienated when exposed to practices that should no longer have a place in the University.

379. The abiding overall message from most of the experts who addressed the panel is that SU cannot adapt or alter such entrenched traditions and bigotry. Wilgenhof culture will not change of its own accord. This is apparent from Wilgenhof's own earlier attempts at self-renewal, which have evidently failed to bear fruit. The only viable solution to rooting out these harmful elements for good is to shut down the residence and turn a new page.

380. **The panel recommends** that Wilgenhof be permanently closed.

381. **The panel recommends** that the values adopted by student residences must be aligned with SU values. The intent is to ensure that students are Maties first, though they may have a subsidiary identity as a resident in a residence or commuter student community.

382. **The panel recommends** that the SU executive team determines methods or mechanisms to control activities undertaken by students, which are calculated to circumvent or undermine the Vision, Mission and Values of SU.

    382.1. The off-campus Nagligte 'loop' in 2023, which would not be allowed on campus, is an example of the kind of conduct against which this recommendation is directed. Although the Disciplinary Code would apply to such an activity, the intention of moving it off campus is to escape the knowledge and oversight of the activity by SU.

    382.2. It was mentioned to the panel by an interviewee that two other men's residences have also undertaken such secret, off-campus initiation-type activities for first years. This example was emulated by Wilgenhof in 2023, as stated in paragraph 382.1 above.

Part 6: Have SU Policies, Regulations, Rules or Disciplinary Codes Been Contravened?

383. In this section the panel addresses specifically the question of possible contraventions of SU rules of conduct, policies and so forth. The following important points should be noted at the outset:

    383.1. Under this subheading the panel focusses on the period from 2002 to date. To summarise:

383.1.1. Since 2002, the Nagligte say they were permitted to continue with their 'lope' (as explained in paragraph 189 above). Notwithstanding that the sanction of aloe crystals and linseed oil remained banned, the Nagligte imposed it anyway.

383.1.2. The Nagligte were affected again in 2020 when the Vice-Chancellor, Professor Wim de Villiers, suspended the HC, which included the Chief of the Nagligte. The HC thus did not operate that year. The panel learned that the Nagligte have since 2020 continued with their disciplinary activities in hool 88.

383.1.3. The panel received testimony that Nagligte rituals resumed in late 2020, when a new HC was elected for the new term, and continued to the end of 2022, despite Wilgenhof's "Renewal" initiative.

383.1.4. In 2023, the Nagligte performed their 'loop' off campus on a private farm and through the agency of a private company.

383.2. As far as the SU Disciplinary Codes are concerned, the panel has focussed on the three most recent iterations, namely the Codes issued in 2009, 2017 and 2019 (current). The main reasons for this are that it is highly unlikely that *any* students who were in Wilgenhof before October 2009 are still in the University system as students; and the focus for present purposes is to provide meaningful and practical advice and recommendations to the University that address current conditions, not to focus on largely historical aspects that may have limited, if any, value.

383.3. As far as the SU Residence Rules are concerned, the panel looked at the last three iterations of the Residence Rules, being in respect of the years 2012, 2020 and 2023 (current). The rationale for following this approach is similar to the foregoing.

Student Disciplinary Code (2009 - 2016)

384. In terms of this Code, the following provisions regulating student conduct would be material to the panel's investigation and constitute misconduct, namely to:

384.1. wrongfully infringe on the fundamental rights of another person as contained in the Bill of Rights, Chapter 2 of the Constitution, 1996, or act in a way that breaches any other laws of the land, and the rules, regulations and provisions of the University;[81]

[81] Para 2.1.

384.2. act in a manner that is contrary to the University's policy on alcohol and substance abuse;[82]

384.3. act in a violent, indecent or improper manner on or in the vicinity of the campus or at a function organised by the University;[83]

384.4. act in an insulting, indecent or improper way towards another student, a University personnel member or functionary, or a member of the public in a University-related setup;[84]

384.5. mentally harm or humiliate, or assail the dignity or person of a University personnel member or functionary;[85]

384.6. misrepresent himself, through his behaviour or action, to any personnel member or functionary of the University, knowing full well that it is a misrepresentation;[86]

384.7. act in such a way that his conduct results in, or could reasonably be expected to result in, prejudice to or endangerment of the normal pursuit of teaching, research and/or study at the University, or to the general activities at the University;[87]

384.8. act in such a way that his conduct results in, or could reasonably be expected to result in, prejudice to or endangerment of the maintenance of order, discipline or safety at the University;[88]

384.9. act in such a way that his conduct results in, or could reasonably be expected to result in, prejudice to the good name of the University;[89]

384.10. ignore or act in conflict with any lawful written or oral instruction or request of any governing body, personnel member or functionary of the University;[90]

384.11. hold a leadership position and mete out punishment that falls outside the framework for disciplinary action as prescribed in this code;[91]

[82] Para 2.2.
[83] Para 2.11.
[84] Para 2.12.
[85] Para 2.13.
[86] Para 2.15.
[87] Para 2.16.
[88] Para 2.17.
[89] Para 2.18.
[90] Para 2.20.
[91] Para 2.28.

384.12. hold a leadership position and refrain from laying a charge against a fellow student with the intention of preventing the institution of disciplinary action by a disciplinary committee of the University;[92]

384.13. participate in practices for the initiation of newcomer students;[93]

384.14. deviate from an approved programme for the welcoming of newcomer students;[94] and

384.15. assist or encourage another student to commit misconduct.[95]

385. Having regard to the submissions and information before the panel, particularly the impact that the Nagligte ritual may have had on Wilgenhof residents from minority groups (as explained above), these provisions or some of them may almost certainly have been transgressed (in the period since 2009 and while this iteration of the Code remained in force). The panel did not, however, receive any complaints of specific transgressions during the period while this Code was in effect, and thus does not make any specific findings or recommendations in that regard.

Student Disciplinary Code (2017 - 2020)

386. In 2016, a new student disciplinary code was approved by Council. It was implemented with effect from 1 January 2017 until the end of December 2020.

387. This Code emphasised that "*restoration and healing of the University Community as a whole, and the relationships amongst individual members are at the heart of the purpose*".[96]

388. This Code laid down a set of values that "*ought to inform the application*" of the Code, namely excellence, shared accountability, empathy, innovation and leadership in the service of others.[97]

389. This Code provided for a house disciplinary committee ("***HDC***") and how it should operate in residence;[98] and Cluster-based disciplinary committees known as the Residence Disciplinary Committees ("***RDC***").[99] Each residence had its own HDC, which exercises its disciplinary function in that residence. The RDC was a 'higher'

[92] Para 2.29.
[93] Para 2.31.
[94] Para 2.32.
[95] Para 2.33.
[96] Para 2.
[97] Para 3.
[98] Paras 20.6 to 20.12.
[99] Paras 20.13 - 20.23.

disciplinary committee, which exercised disciplinary functions over the Cluster as a whole.[100]

390. This Code regulated conduct defined as Residence Misconduct, Disciplinary Matter[101] and Disciplinary Misconduct.

391. For present purposes, 'Residence Misconduct'[102] and 'Disciplinary Misconduct'[103] are more relevant. Both of these categories of misconduct *inter alia* focus on compliance with House Rules.[104]

392. The rules enforced by the HDC were listed in the Code, the Residence Rules and the House Rules.

393. The key points to make here are that the Nagligte are not the properly constituted or appointed HDC (as contemplated in the Code), and the Nagligte purport to enforce *some* of the House Rules, in addition to a host of other internal Wilgenhof rules, which are not part of the House Rules.[105] These internal Wilgenhof rules, mostly arbitrary or trivial, do not warrant or attract discipline in terms of SU's official documents or prescribed structures.

394. The Code set out the General Rules applicable at the time.[106] Several of these rules would prohibit certain activities of the Nagligte.

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[100] The Code contemplates a disciplinary hierarchy: HDC at the lowest level; the RDC above that (Residence Heads of the Cluster serve as the panel); the CDC (Central Disciplinary committee) above that (this committee is chaired by a senior academic from the Law faculty, with staff and student representatives); and the DAC (Disciplinary Appeals Committee of SU).

[101] 'Disciplinary Matter' means Disciplinary Misconduct which is of such a nature as should be dealt with by the RDC or the CDC in terms of this disciplinary code, taking into account the seriousness of the misconduct, the importance of issues raised in the matter, the evidentiary or conceptual complexity of the matter, the broader interest which the University may have in the outcome of the matter, and any other relevant consideration.

[102] 'Residence Misconduct' refers to misconduct which took place within the physical confines of a residence, which constitutes a breach of the House Rules, or which was selectively directed at a fellow Student of the same Residence.

[103] 'Disciplinary Misconduct' is an umbrella term which means any breach of University policies, rules or instructions issued under the authority of Council which prescribes Student conduct, including the rules for Student conduct contained in this disciplinary code. Disciplinary Misconduct includes but is wider than Academic Misconduct, Residence Misconduct, Discriminatory Misconduct, and Sexual Misconduct, which all constitute Disciplinary Misconduct arising in specific circumstances. Disciplinary Misconduct may include conduct on and through social media.

[104] House Rules mean internal rules and stipulations that are applicable to individual Residences that are included in the internal rules of each residence, although they remain subordinate to Residence Rules. Residence Rules, on the other hand, apply uniformly to all University residences and are defined in the Code to mean the overarching rules, approved by the Vice-Rector: Teaching and Learning, with respect to Residences, that are applicable to all residents of residences. The Residence Rules applies to Students of PSO wards, where applicable

[105] E.g. Blowing your nose at the table; or urinating in the quad; wearing a cap in the dining hall; standing with your hands in your pockets when speaking to a female; allowing your phone to ring in the dining hall; speaking in a falsetto voice that mimics the Nagligte; and so forth.

[106] Para 9.

395. Neither the HDC[107] nor the RDC[108] had the power to expel a student from the residence or the university. Only the CDC had the power to do so.[109]

396. The panel heard non-specific testimony that the "Combine"(*sic*)[110] had expelled students from Wilgenhof in the past on occasion. If indeed this occurred, it would have been contrary to the Code.

397. Wilgenhof's bespoke disciplinary structure, the Nagligte, is neither recognised nor permitted in terms of this Code. Stated differently, other than the official HDC, this Code made no provision for residences to create and impose their own disciplinary structures and sanctions on residents. There was only one system of discipline, and that was the official disciplinary structure of the University itself, comprising the HDC, RDC, CDC and DAC, as set out in this Code.

398. Having regard to the submissions and information before the panel, particularly the impact that the Nagligte ritual may have had on Wilgenhof residents from minority groups (as explained above), these provisions or some of them may almost certainly have been transgressed (in the period since 2017 to end 2020, while this iteration of the Code remained in force). The panel received one anonymous complaint relating to the conduct of the Nagligte during this period. Given the anonymous nature of the complaint and the lapse of time, the panel is not in a position to comment further on this complaint, or to recommend any action.

Student Disciplinary Code (2021, current)

399. This version of the Code was approved by Council on 20 November 2020 and took effect on 1 January 2021. It is the operative version of the Student Disciplinary Code during 2024 and as at the date of this report.

400. The Code provides for 'administrative action'. The procedures therein are not judicial in nature. The powers given to functionaries and bodies in terms of the Code must be lawfully exercised in accordance with the constitutional right to administrative justice and any legislation which gives effect to that right.[111]

401. Where alleged misconduct arises in an academic or Residence context but also constitutes a violation of the general rules for Student conduct (for example, where an alleged instance of discriminatory conduct takes place in a Residence against a fellow student of the same Residence), the University will always have

[107] Para 20.7.
[108] Para 20.13.
[109] Para 37.10.
[110] 'Combine' refers to a joint sitting of the House Committee, House Disciplinary Committee (i.e. the Nagligte) and the Residence Head.
[111] Paras 4.1 and 4.2.

an interest in the outcome of the matter that goes beyond the context in which it arose. This will constitute a Disciplinary Matter as contemplated in the Code.[112]

402. The rules for student conduct are set out in Chapter 2 of the Code. The panel highlights material provisions of the rules below, which appear to be come into play in relation to the activities of the Nagligte and the use of the two rooms and their contents.

403. First, and as far as the very existence of the Nagligte as a disciplinary body is concerned, the panel mentions the following.

403.1. A residence must establish an HDC and provide guidance on how the committee must operate.[113]

403.2. The HDC acts through a full committee, made up of a chairperson and additional members. The Residence Head or a nominee of the Residence Head is chairperson of the HDC. The additional members are appointed in terms of the constitution and House Rules of the respective Residences.[114]

403.3. Every Residence must establish an HDC.

403.4. The HDC has jurisdiction to deal with Residence Matters.

403.5. Pending the adoption of a constitution of the HDC in terms of the Code, the committee, panel or functionary currently authorised to exercise discipline over students in the particular residence retains its powers and jurisdiction.

403.6. The HDC does not have the power to expel a Student.[115]

404. The Nagligte as a disciplinary body is not the HDC in terms of this Code, and is not envisaged, permitted, or recognized in terms of the Code. It is not an official or authorised disciplinary body in Wilgenhof. This defaults back to the scenario where the HDC and Residence Head should be responsible to exercise discipline over Wilgenhof residents.

405. The Residence Head shall deal with Residence Misconduct[116] in the first instance and has a discretion in that regard.[117]

[112] Para 7.6.
[113] Para 20.8.
[114] Para 20.7.
[115] Para 20.7.
[116] See footnote 102. In more severe cases of misconduct, the residence can contact the office of Student Discipline for further advice and action.
[117] Paras 20.1 and 20.2.

406. Secondly, the panel heard evidence that the Nagligte performed 'lope' and used their traditional sanction of linseed oil and aloe crystals since this iteration of the Code came into force. Some or all of the following provisions of the Code were contravened by them:

406.1. The rules provide *inter alia* that a student shall not act in a manner that is racist, unfairly discriminatory, violent, grossly insulting, abusive or intimidating against any other person. This prohibition extends but is not limited to conduct which causes either mental or physical harm, is intended to cause humiliation, or which assails the dignity of any other person.[118]

406.2. A student shall not interfere with, or act in any manner which can reasonably be expected to interfere with the proper functioning of the University as an institution of learning and research. The prohibition extends to interference with a member of the University Community's work, learning, research, study, as well as administrative, custodial and any other function related to the University.[119]

406.3. A student shall not act in any way so as to endanger, or contribute to the endangerment of, any other person or group of persons.[120]

406.4. A student shall comply with any reasonable written or oral instruction or request by any member of the University's academic staff, or any other employee or Functionary of the University with authority over the student, by virtue of their position within the University or specific designation in the relevant context. Wilful disregard of such instruction or request constitutes misconduct under this Code.[121]

406.5. If a student witnesses a misconduct which is likely to cause physical or emotional harm to another member of the University Community or which may cause significant damage to the University's tangible or intangible property, or has good reason to believe that such misconduct is planned, is taking place, or has already occurred, that student shall report such facts as are known to the student to any member of staff as soon as practically possible. The student may request anonymity and may make the report confidential by way of email.[122]

406.6. A student shall not impede or obstruct a disciplinary investigation undertaken in terms of this Code or mislead any authorised or delegated

[118] Para 9.3.
[119] Para 9.4.
[120] Para 9.5.
[121] Para 9.8.
[122] Para 9.9.

official or functionary exercising powers in terms thereof. This includes, but is not limited to, instances of making false statements to officials and functionaries performing their duties in terms of this Code.[123]

406.7. A student shall not publish falsehoods which may reasonably be expected to bring the University or any of its staff or employees into disrepute, or damage the University's good name or reputation, save where the facts on which the publication is based are sincerely held and reasonably believed to be true.[124]

406.8. A student shall not, whether actively or through silence: (a) Mislead any member of the University's academic staff or any other employee of the University with authority over the student; nor (b) Make any misrepresentation or a false declaration relating to the student's academic performance, whether at the University or any other academic institution; nor (c) Present to, or rely on, any information or document which the student knows, or reasonably ought to know, to be false or a forgery.

406.9. A student shall not make use of, occupy, or enter any University Premises without permission to do so.[125]

406.10. No student may bring any alcoholic or illegal substance onto any part of campus without permission to do so.[126]

406.11. No student may organise or participate in an event or gathering for which the required permission has not been granted, or which takes place in contravention of any condition of permission having been granted.[127]

407. Thirdly, the panel was informed that the so-called 'Combine' (*sic*) (a combined committee comprising members of the Wilgenhof House Committee and the Disciplinary Committee (Nagligte) and the Residence Head, which was convened to deal with more serous transgressions) on more than one occasion expelled students from Wilgenhof. Such action is a breach of the Code.

408. The panel did not receive any complaints of specific transgressions during the period while this Code was in effect, and thus does not make any specific findings or recommendations in that regard.

[123] Para 9.10.
[124] Para 11.1.
[125] Para 13.1.
[126] Para 14.1.
[127] Para 15.1.

409. **The panel recommends** that the Office for Student Discipline must exercise oversight of the disciplinary process in residences, to ensure implementation of and compliance with the Code.

410. Residences are subject to Residence Rules and House Rules, where applicable.[128] Residences may prescribe rules for the conduct of their Students in House Rules.[129]

Residence Rules 2012 (until 2021)[130]

411. The 2012 iteration of the Residence Rules records that *inter alia* residences must strive to achieve the following objectives:[131]

411.1. a student-friendly "living and learning" environment that promotes the academic objectives of SU;

411.2. support to students, particularly regarding their entry into SU, in order to satisfy the demands of university studies;

411.3. a community of students from diverse backgrounds with a high degree of understanding for communal endeavours and mutual respect for differences in gender, opinion, culture, religion, heritage, life experiences and sexual orientation;

411.4. stimulation of thinking and broadening of their outlook on life through informal learning experiences and exposure to a diversity of innovative ideas and experiences;

411.5. the development of leadership and management skills, as well as of personal and social responsibility;

411.6. a framework for participation in social, cultural, sport and other recreational activities;

411.7. continuous renewal within the context of the Strategic Framework and Vision of the University; and

411.8. accessible and well-equipped, affordable and safe accommodation in the residence environment.

[128] Para 17.1.
[129] Para 17.3.
[130] These rules were amended in 2015 (Welcoming rules amended); 2019 (Alcohol rules and Visitors in Residence applicable from 1 January 2020)
[131] Para 1.1.

412. The rules are applicable to all residents of residences.[132]

413. Internal rules and stipulations that are applicable to individual residences may only be included in the internal rules of an individual residence, provided they remain subordinate to these Residence Rules. Individual residences should maintain their internal rules and be able to furnish the Centre for Student Communities ("***CSC***") with them on request.[133] Deviation from or non-compliance with these rules could lead to disciplinary action against the residence or against individual occupants of the residence.[134]

414. As far as the [redacted] was concerned, he/she was accountable to the [redacted] (now known as the Centre for Student Life and Learning) or to their delegates and via them to the Management of the University, for the general management of the residence.

415. Some of the responsibilities of Residence Head included:[135]

    415.1. Acting as chief executive officer of SU in the residence, to ensure that the HC and mentors carry out their responsibilities.

    415.2. In co-operation with the Primarius, being responsible for the application of the rules of the residence, both directly and via delegation to the HC.

    415.3. Together with the HC, ensuring that the interests of the University are served while the students are in the residence.

    415.4. Together with the HC, creating a community of students from diverse backgrounds with a high degree of understanding for communal endeavours and mutual respect for differences in gender, opinion, culture, religion, heritage, life experiences and sexual orientation.

416. The Residence Head, amongst other things:[136]

    416.1. Supervised the carrying out of the welcoming programme, immediately reporting any irregularities to the CSC;

    416.2. Attended meetings of the disciplinary committee as a full member;

    416.3. Was responsible and accountable for the implementation and management of the SU Alcohol Policy, as applicable to his/her specific environment;

[132] Para 1.2.1.
[133] Para 1.2.2.
[134] Para 1.2.5.
[135] Para 2.2.1.
[136] Paras 2.2.3 – 2.2.5.

416.4. Promoted a positive disposition towards discipline among the students;

416.5. Handled internal disciplinary cases in terms of the University and residence rules and ensures that a written report on all disciplinary hearings is provided to the CSC; and

416.6. Reported contraventions relating to residence matters or contraventions within the residence that may not be dealt with by the disciplinary committee of the residence to the Centre for Student Communities.

417. The Primarius as student leader of the residence was responsible *inter alia* for the following:[137]

417.1. The management of the students in a specific residence in terms of the Rules for Students and general Council policy and sections of the residence's constitution or rules;

417.2. He is chairperson of the HC and the House meeting;

417.3. He is a member of the residence's Disciplinary Committee and represents the House on the Prim Committee; and

417.4. In co-operation with the Residence Head, he is ultimately co-responsible and co-accountable for the implementation and management of the SU Alcohol Policy, as applicable to his/her particular environment.

418. The House Committee members, amongst other things:[138]

418.1. Are responsible for the implementation of the Rules for Students, residence rules and residence constitution in the residence in general, and among the specific group of students and/or section allocated to him/her in particular. In this capacity, HC members will under no circumstances qualify to be regarded as employees of the University;

418.2. Carry out tasks and duties in accordance with the residence rules, constitution or rules of the residence, as well as decisions of the House meeting and the HC; and

418.3. Are personally responsible for ensuring that the University's Risk Management Policy is applied strictly and that safety measures are enforced in that section of the residence that has been identified as his/her sphere of responsibility.

[137] Para 2.3.
[138] Para 2.5.

419. The Residence Head had to give permission for the holding of functions.[139]

420. The Residence Rules also governed reunions, approval for which rested with the Residence Head.[140]

421. Since 1 January 2020, SU imposed the rule alcohol is not allowed to be stored or consumed in residences and the display of empty bottles or tins that were recognizable as having contained alcoholic beverages is not allowed.[141] The storing and consumption of alcohol in residence would be dealt with as a residence matter and repeated offences would become a disciplinary matter.[142]

422. Thus, as far as Nagligte and Nagligte activities are concerned (in the period 2012-2019 when these Residence Rules were in force):

    422.1. The Nagligte as a disciplinary structure is not envisaged in the Residence Rules at all.

    422.2. To the extent that the Nagligte stored and consumed alcohol in Wilgenhof in connection with their activities, this was a breach the Residence Rules. In addition, the Primarius in co-operation with the Residence Head are ultimately co-responsible and co-accountable for the implementation and management of the SU Alcohol Policy, and they evidently failed in their duties in that regard.

    422.3. The Residence Head and the Primarius, as members of the disciplinary committee, should have acted to stop the Nagligte 'lope'.

    422.4. The Residence Head in co-operation with the Primarius is responsible for the application of the rules of the residence, both directly and via delegation to the HC. Nagligte 'lope' are contrary to the rules.

    422.5. Inasmuch as the Primarius, Vice-Primarius and Residence Head may have abdicated their responsibilities in respect of student discipline in the residence, that constituted a breach of the Residence Rules.

423. COVID-19 national lockdown measures also intervened while these Rules were in force. March 2020, SU students were sent home. From 2020 – 2021, the Vice-Primarius of Wilgenhof was suspended, which also effectively put a stop to Nagligte activities. The panel heard evidence that from September 2021, however, the Nagligte again resumed their 'lope' with a new election of Nagligte members.

[139] Para 4.1.3.
[140] See Para 4.7.
[141] Para 5.1.1.
[142] Para 5.1.3.

Residence Rules 2022

424. These Residence Rules formalised the "Cluster" concept, in terms of which residences were grouped into geographical Clusters under a Cluster Coordinator. The aim of Clusters is to create a community of students from diverse backgrounds with a high degree of understanding of communal endeavours and mutual respect of difference in gender, opinion, culture, religion, heritage, life experience, sexual orientation and viewpoints.[143]

425. These rules also made mention of the fact that residences have House Rules, but that the house rules remained subordinate to the Residence Rules. House Rules that were incompatible with residence rules would have no effect.[144]

426. These rules made the Residence Head and the House Committee responsible for implementation of the Residence Rules and House Rules.[145]

427. As with the previous iteration of these rules, this edition of the Residence Rules makes no provision for a body such as the Nagligte to enforce Residence Rules or House Rules.

428. The rules were explicit that disciplinary action, disciplinary power and the composition of Disciplinary Committees in residence were subject to SU's Disciplinary Code for Students.[146]

429. Only candidates that qualified for readmission to residence[147] could make themselves available for leadership positions.[148] Apart from the fact that the Nagligte were not a legitimate disciplinary committee at all, it was also a matter of concern to the panel that certain Nagligte members had been serving as such when they were no longer even resident in Wilgenhof, because they had not qualified for placement in the residence. This was clearly contrary to Residence Rules.

430. The mandate of the Residence Head remained roughly the same as formulated in the prior iteration of the rules (see paragraph 415 and following).[149] The Residence Head:

[143] Para 1.1.4.
[144] Para 1.2.2.
[145] Para 1.2.4.
[146] Para 1.2.6.
[147] Including by satisfying the relevant HEMIS academic requirements.
[148] Para 2.2.1.
[149] Para 2.2.

430.1. In co-operation with the Primarius, was amongst others responsible for the application of the Residence rules and house rules, both directly and via delegation to the HC.[150]

430.2. Was responsible to attend and chair Disciplinary Committee meetings.[151]

430.3. Was responsible and accountable for the implementation and management of the SU Alcohol policy as applicable to the specific residence.

430.4. Was responsible to promote a positive disposition to discipline among the student and manages internal disciplinary cases in terms of the University and residence rules and ensure that that a written report is kept on disciplinary hearings.[152]

430.5. Had to report contraventions relating to residence matters or contraventions within the residence that may not be dealt with by the disciplinary committee of the residence.[153]

431. The Primarius was responsible for the management of the students in his residence in terms of the residence rules, Disciplinary Code for Student SU and applicable house rules, in support of the role of the Residence Head.[154] The Primarius was also part of the Disciplinary Committee.[155] The Primarius, the Vice-Primarius and House Committee, in co-operation with the Residence Head, were co-responsible and co-accountable for the implementation and management of the Alcohol Rules and SU Alcohol Policy.[156]

432. The default rule was that no alcohol was permitted to be stored or consumed in the residence.[157]

433. The Residence Head had to authorise the holding of functions. Any function had to conclude by midnight.[158]

434. The Residence Rules deal briefly with reunions.[159] Reunions are permitted to celebrate special milestones/anniversaries (such as centenaries) and must take

[150] Para 2.2.1 (iv).
[151] Para 2.2.3 (vi).
[152] Para 2.2.5 (i) and(ii).
[153] Para 2.2.5 (iii).
[154] Para 2.3.2.
[155] Para 2.3.4.
[156] Paras 2.3.14, 2.4.7 and 2.5.18.
[157] Paras 5.1 – 5.3. Para 5.5. dealt with the adoption of house rules regarding the use of alcohol, to be determined by the house after negotiation with the Centre for Student Life and Learning.
[158] Paras 4.1.3 and 4.1.4.
[159] Para 4.7.

place during specified times of the year. The reunion programme must be approved in advance. Alumni can arrange to stay in the residence.

435. The Nagligte as a disciplinary structure is not envisaged in the Residence Rules at all.

436. To the extent that the Nagligte stored and consumed alcohol in Wilgenhof in connection with their activities, this was a breach the Residence Rules. In addition, the Primarius in co-operation with the Residence Head are ultimately co-responsible and co-accountable for the implementation and management of the SU Alcohol Policy, and they evidently failed in their duties in that regard.

437. The Residence Head and the Primarius, as members of the disciplinary committee, should have acted to stop the Nagligte 'lope'.

438. The Residence Head in co-operation with the Primarius is responsible for the application of the rules of the residence, both directly and via delegation to the HC. Nagligte 'lope' are contrary to the rules.

439. Inasmuch as the Primarius, Vice-Primarius and Residence Head may have abdicated their responsibilities in respect of student discipline in the residence, that constituted a breach of the Residence Rules.

440. Subject to that, and as far as Nagligte and Nagligte activities are concerned, the panel refers to paragraph 422 above.

Residence Rules 2023 (current)

441. The current iteration of the residence rules came into operation on 1 January 2023.

442. These rules indicate that as part of the transformative student experience, students:

442.1. Practice the behaviours of constitutional democracy (values-driven structures, behaviour and practices);

442.2. Strengthen social cohesion through practicing and living in student communities which are diverse; and

442.3. Can practise the skill to effect change in communities (through empowering and enabling a community to accept new knowledge and establish new practices).

443. Importantly, the residence rules record that residences –

443.1. Establish an 'ecosystem' that acts as a secondary educational opportunity which is complementary to the academic community, where

students learn about the aspects of community life that are focused on enhancing student success for students who belong to it.[160]

443.2. Create a learning environment to address the developmental, intellectual, emotional, behavioural, physical and social factors that contribute to student engagements.[161]

443.3. Provide student-friendly "*listening, living and learning*" environments, which promote the academic objectives and graduate attributes of the University.[162]

444. The House Rules, created by each environment using the Residence Rules as guide, remain subordinate to the Residence Rules.[163]

445. The Residence Head and student community leaders (House Committee) are responsible for implementation and application of the Residence Rules and House Rules.

446. Non-compliance with the rules may lead to disciplinary actions against an individual or against the community collectively. Restorative justice efforts in line with a values driven management approach such as mediation, efforts to mend relationships or values-driven conversations are also regarded as disciplinary actions.[164]

447. The duties of the Residence Head are similar to those set out in prior iterations of the rules (see paragraph 415 and following). The panel draws attention only to his duty to manage discipline,[165] and his power to suspend alcohol rules (i.e. to permit the use of alcohol in the residence).[166]

448. The Primarius is responsible for the management of students in terms of the Residence Rules, the Disciplinary Code for Students at SU and the applicable house rules, in support of the Residence Head.[167] The Primarius is a member of the residence Disciplinary Committee,[168] and is co-responsible and co-accountable for the implementation and management of the rules on alcohol.[169]

[160] Para 1.1.1.
[161] Para 1.1.2.
[162] Para 1.1.3.
[163] Para 1.2.4.
[164] Para 1.2.6.
[165] Para 3.1.9.
[166] Para 3.1.10.
[167] Para 4.1.2.
[168] Para 4.1.4.
[169] Para 4.1.14.

449. The Vice-Primarius in terms of the rules is a member of the House Disciplinary Committee[170] and co-responsible and co-accountable for the implementation and management of the rules on alcohol.[171]

450. Importantly, the rules provide for the composition of the House Disciplinary Committee and the disciplinary process leading to an enquiry.[172] As with previous iterations of these rules, the Nagligte committee and process is not provided for in these rules; it is at variance with and a transgression of the rules.[173]

451. Residence functions and activities are also more regulated in this iteration of the rules.[174] The use of alcohol in student accommodation, and the route to follow for adopting house rules concerning the use of alcohol, is more restricted.[175]

452. The welcoming of first years and all general group activities,[176] and disciplinary proceedings in residences[177] are also dealt with.

453. One of the main arguments that the panel heard on why the Nagligte is necessary is due to the fact that monetary fines are not a workable method to enforce discipline. In the list of sanctions that the house disciplinary committee may impose,[178] there are several other sanctions that may be considered apart from monetary fines.

454. The smoke detector was covered in the TA, thus rendering it useless to detect fire. This posed a fire risk to property and persons in the residence. The panel could not determine when and by whom the sensor was covered. In any event, the Residence Head, Primarius and Vice-Primarius, who are co-responsible for the safety of residents, failed in their duties.

455. Wilgenhof held a 120-year reunion in 2023. Some ou-Wilgenhoffers stayed in Wilgenhof for the occasion and demanded to participate in a 'loop'. This 'loop' was duly conducted in the residence by the Nagligte in full costume, which included linseed oil and aloe crystals sanctions.

SU Accommodation Rules

456. In terms of the Residence Rules (2022), life in SU residences is also subject to the Accommodation rules.

[170] Para 4.2.4.
[171] Para 4.2.7.
[172] Para 12.7.4.
[173] Para 12.7.
[174] Para 6.
[175] Para 7.5.
[176] Para 8.
[177] Para 12.
[178] para 12.7.6

457. The Residence Head is responsible to ensure that only students who are placed in residence by the Residence Placement Office, reside in residence.[179] The panel heard evidence that on occasion former students of Wilgenhof, who had not achieved HEMIS (the necessary academic credits), were residing in Wilgenhof, which is contrary to the Placement Policy (refer to paragraph 462 below)

458. Residents are under no circumstances permitted to undertake any maintenance work themselves (including painting walls).[180] The painting of the TA and Hool 88 was against the accommodation rules.

459. No equipment that may pose a fire or other risk will be permitted in rooms. The University reserves the right to confiscate such equipment.[181]

460. Under no circumstances may emergency equipment such as fire extinguishers, fire hydrants and the contents of emergency plan boxes be misused or tampered with. Such transgressions will be punishable by summary eviction.[182]

461. The smoke sensor that was covered in the TA is a direct violation of SU safety procedure and the accommodation rules and posed a fire risk in a very old building, namely the Bachelors.

Placement in Student Housing

462. Residents are permitted to stay in an undergraduate residence for the normal duration of their studies,[183] but must reapply annually to do so.[184]

463. Students may only reside in residence if their academic performance meets the criteria set out in the Management Guidelines.[185]

464. Students elected to leadership may extend their stay if they satisfy the academic and general criteria (set out in para 7.1).[186]

465. Membership of the Nagligte committee does not satisfy the SU criterion of being part of "student leadership". The Panel heard evidence that even when certain the members of the Nagligte failed to satisfy the University's requirements for readmission to the residence, they continued to participate as Nagligte.

466. **The panel recommends** that the University should clarify the rules to state that only students who have met SU's academic requirement to be re-admitted in a

[179] Para 1.4.
[180] Para 3.10.
[181] Accommodation rules 3.5.
[182] Accommodation rules para 3.7.
[183] Para 7.3.2.
[184] Para 7.1.1.
[185] Para 7.3.1.
[186] Para 7.6.2.

residence or commuter student community, and are re-admitted, will be permitted to serve in leadership roles.

SU Policy on Unfair Discrimination and Harassment[187]

467. The policy was approved by Council in September 2016 and came into operation in October 2016.

468. This policy focuses on creating an SU environment that is fully committed to promoting the fundamental rights and freedoms of every person on campus, as required by the Constitution and related legislation.[188]

469. The policy applies to all staff, students and any other person or entity engaging in any activity on any property under the University's jurisdiction or any University-related activity.

470. In terms of this Policy:

    470.1. SU is committed to becoming a more diverse, accessible, inclusive, participatory and representative institution and to remaining self-critical about potential structural discrimination, micro-aggressions and oppression.

    470.2. Equality is promoted within a culture of inclusivity.

471. The policy defines and targets Harassment, Sexual Harassment, Microaggressions, Unfair Discrimination, and Victimisation (terms defined in the policy).

472. In view of SU's declared values and commitment to change, the panel regard the Nagligte disciplinary activities (as explained in detail above) as conflicting directly with these aspirations for change, transformation, diversity and inclusivity. This panel's fact-finding process constitutes a "self-critical" look at these Wilgenhof activities for SU.

473. Many of the actions of the Nagligte in the context of hool 88, viewed in their historical context, may likely fall within the definition of "harassment", as those actions demean, humiliate or create a hostile or intimidating environment or are calculated to induce submission by actual or threatened adverse consequences, and which may be persistent, once-off or serious and may relate to a person's belonging or presumed belonging to a group identified by one or more of the prohibited grounds or characteristics associated with such group. One such

[187] This policy must be read together with the Protection from Harassment Act 17 of 2011 and the Code of Good Practice on Handling of Sexual Harassment Cases in the Workplace, 2005, as amended.
[188] Such as the Promotion of Equality and the Prevention of Unfair Discrimination Act 4 of 2000, and the Employment Equity Act 55 of 1998.

example would be the poems written about other Wilgenhoffers as part of some or other first year ritual. It was explained that these poems are meant to be humorous, but they are often in bad taste and in fact offend, hurt and demean the character of the persons against whom they are directed. The poems would appear to constitute "microaggressions".[189]

474. The panel heard evidence that certain female staff entering Wilgenhof had been subjected to deliberate "monitoring" or surveillance by students, while they carried out their duties as such. While this intimidatory conduct created an awkward and uncomfortable working environment, it does not appear that this student conduct rises to the level of a breach of this policy. The panel personally experienced this kind of "monitoring" while visiting Wilgenhof.

475. The panel noted some vulgar and insulting comments and drawings in the Nagligte notebooks, directed at women and females. The authors are unidentified, and it is not apparent the extent to which these comments and drawings were shared among the Nagligte and third parties. These would most probably constitute microaggressions directed against the women concerned.

476. During its interviews, the panel heard that SU's Equality Unit considered that it should have been the University's first port of call in relation to the opening of the two rooms and dealing with their contents. The Equality Unit felt sidelined and excluded by SU authorities (presumably the Rectorate) from the process of opening the rooms and the aftermath of dealing with their contents. It is accepted that the Equality Unit has jurisdiction in terms of this policy to deal with any form of Harassment, Sexual harassment, Microaggressions, Unfair discrimination, or Victimisation. It is not apparent to the panel, however, that the Equality Unit should have been engaged by SU from the outset to take charge of this matter in January 2024, and everything that flowed from it, including how to deal with the rooms and their contents and consequential steps.

Wilgenhof Constitution 2023

477. The panel was informed that university residences had been provided with a template "constitution", which they could adapt according to their own requirements and then accept.

478. The Wilgenhof Constitution of 2023 is based on that template.

479. The Wilgenhof Constitution acknowledges the supremacy of the Constitution. It contains a preamble and manifesto setting forth positive values and objectives.

[189] They can be construed as brief, everyday verbal, nonverbal or environmental slights, snubs or insults, whether intentional or unintentional, that communicate hostile, derogatory or negative messages to marginalised and disempowered groups in society.

480. Notably, the Wilgenhof Constitution contains no provisions whatsoever referencing the Nagligte.

481. Clause 8 of the Wilgenhof Constitution deals with disciplinary procedures. It provides that all suspected residence misconduct shall be dealt with in the first instance by the Residence Head. It further provides for the composition and appointment of a disciplinary committee, namely the HDC, made up of a chairperson (the Residence Head or nominee); the Residence Head (if he is not the chair); an evidence leader; three additional disciplinary committee members; and an administrator. The procedures of the HDC are also set out.

482. As far as disciplinary sanctions are concerned, the HDC has a discretion to impose a variety of sanctions including monetary fines; warnings; community service; a written apology; forfeiture of privileges; an appropriate restorative, rehabilitative or punitive assignment; or suspended sentences.

483. The disciplinary provisions in the Wilgenhof Constitution have no resemblance whatsoever to the activities of the Nagligte at hool 88. The traditional Nagligte sanctions of aloe crystals and oil are not mentioned anywhere.

484. The Wilgenhof Constitution contains a clause[190] dealing with "*the Alumni Association*". It records that the Wilgenhof Alumni Association consists of eight members, of which five are permanent, and is guided by its own constitution. Notably, the Residence Head, Primarius and Archivist of Wilgenhof serve as *ex officio* members of the Alumni Association and must be present at the Alumni Association's quarterly meetings. The panel was informed that the purpose of this provision is merely for the ou-Wilgenhoffers to enquire about life at Wilgenhof and to provide their support in that regard, and there is nothing sinister or untoward about the intertwining of the Wilgenhof HK and the Alumni Association.

485. The Wilgenhof Association indicated to the panel that the extent of the links between the Wilgenhof HC and the Wilgenhof Association are well-known and endorsed by many of the key office-bearers and administrators of SU. The fact that these links are openly provided for in the Wilgenhof Constitution would seem to endorse that.

486. Another provision[191] in the Wilgenhof Constitution records that "*Wilgenhof*", "*Willows*" and "*Die Plek*" are class 25 registered trademarks of The Members of the Wilgenhof Bond. Further restrictions are imposed on the use of these emblems and marks.

487. The panel has pointed out that during 2023, the same year when the Wilgenhof Constitution was drafted and accepted, a large proportion of the residents of

[190] Clause 17.
[191] Clause 18.

Wilgenhof had signed signing indemnity forms to participate in an off-campus Nagligte 'loop'. Those activities in the panel's view are at variance not only with SU's values, but also with Wilgenhof's own stated commitment to the Constitution, the Bill of Rights, and inclusivity. Those value statements and manifesto in the Wilgenhof Constitution would appear to be hollow and intended to pay mere lip service to SU's values and requirements for residence constitutions.

Conclusions and Recommendations

488. It is readily apparent that the Nagligte disciplinary ritual breaches the SU Disciplinary Code for Students and the Residence Rules.

489. Since 2002 to date, the members of the Wilgenhof House Committees and the Wilgenhof Residence Heads, or any one or more of them, would likely have failed in their duties under the Disciplinary Codes and Residence Rules, in –

489.1. performing the secret Nagligte rituals (which includes the use of the oil and crystals);

489.2. participating in the Nagligte rituals;

489.3. allowing the Nagligte to carry out their rituals; and/or

489.4. not preventing them from doing so.

490. It is up to the University to consider whether, given the lapse of time, the University retains any jurisdiction to take such action and, if so, whether any disciplinary action is warranted. In light of the recommendations made in this report, **the panel recommends** that no disciplinary action be taken against these persons.

491. **The panel recommends** that Residence Rules should be consistent for all SU student housing across the board. The fact that the different student communities can decide on their own alcohol, visiting hours and constitutions leads to inconsistencies and communities doing their own thing and makes it difficult to manage.

492. **The panel recommends** that the Student Disciplinary office should be instructed to investigate the actions of [redacted], if he is still registered as a student, in relation to the off-campus 'loop' that was conducted for Wilgenhof in 2023. That investigation may lead to the implication of further student leaders or others who broke the rules in participating in the off-campus 'loop'.

Part 7: Have Unacceptable Practices at Wilgenhof Been Covered Up?

493. As the panel has pointed out, until 1 December 2023 all former Residence Heads of Wilgenhof were ou-Wilgenhoffers.

494. Their experience as students in Wilgenhof inevitably included disciplinary experiences at the hands of the Nagligte. Residence Heads were fully aware of the activities of the Nagligte in hool 88, the TA and all its contents.

495. The Residence Head has a reporting line to senior managers in the SU administration, via the Victoria Cluster Coordinator, Deputy Director, Director, Senior Director and ultimately to the DVC: L&T.

496. The degree to which staff throughout that reporting line might have come to know about the Nagligte activities is not apparent to the panel. Certainly, the [redacted] harboured suspicions about strange activities in Wilgenhof, which ultimately led to the opening to the two rooms.

497. In 2019, the first two anonymous complaints from Wilgenhof students were handed in. These complaints set out in some detail the treatment that they suffered in Wilgenhof, including in connection with Nagligte activities. The complaints were shared in the Division for Student Affairs. These were not escalated to the level of the Rectorate. They should have been. It appears to the panel that the [redacted], by not escalating the anonymous witness statements to her direct line manager, the [redacted] failed the students that were brave enough to come forward and speak out about their experiences.

498. The [redacted] has worked in the Student Communities for close to 20 years, if not more. He served on the Appointments Panels that appointed ou-Wilgenhoffers as Residence Heads. The panel considers that he must have been aware about the traditional rituals and activities in Wilgenhof. By appointing only ou-Wilgenhoffers as Residence Heads, that culture and its practices were allowed to continue.

499. The current and former House Committee members and mentors of Wilgenhof would have known about the Nagligte activities. And, of course, the Nagligte themselves from time to time were aware of their activities. All of them, however, were bound by Wilgenhof's 'oath of secrecy' – anyone speaking out about Wilgenhof's affairs would be subject to discipline.

500. From the testimonies before the panel, the Prim Committee and the SRC knew that there were strange "goings on" at Wilgenhof, but they had no specific idea what, or the serious nature of it.

Part 8: Recommendations

501. The recommendations made in the various Parts of this report above are collected as follows.

502. Part 1: as far as the disclosure of the two rooms and their contents is concerned:

502.1. In recognition of the fact that the disclosure of the two rooms has caused and exacerbated deep divides on campus, especially along racial lines, **the panel recommends** that SU should conduct facilitated dialogue with staff, students and their leadership, including in the Victoria Cluster, and any others affected by the two rooms. The Centre for Student Life and Learning should take ownership and actively engage and guide the Cluster community and SU stakeholders affected. There is a great deal of anxiety, stress, emotion and reaction that needs to be shared and processed, by staff and students alike.

502.2. **The panel recommends** that SU's rules or procedures applicable to student accommodation must provide a process to ensure that all rooms in residences are periodically audited and inspected.

502.3. **The panel recommends** that all residence keys must be properly stored and accounted for, so that access can be gained to any part of any residence at any time by residence authorities, without reference to students.

502.4. **The panel recommends** that residences must only be used for their intended purpose of housing students and providing incidental facilities.

502.5. **The panel recommends** that the University keep all items found in the two rooms in the SU Archive and/or the SU Museum, in accordance with its archiving principles and procedures. If the Wilgenhof Association or any ou-Wilgenhoffer claims the return of any item(s), they should address their requests to SU.

502.6. **The panel recommends** that SU should consider investigating the allegations of alleged contraventions of SU rules of welcoming and Residence Rules by Wilgenhof disclosed in the Monitors' Report (2024).

502.7. **The panel recommends** that SU establishes a crisis management protocol, which provides guidelines for the management of a scene and/or event of this nature (involving, for instance, sensitive or harmful information), and specifying the structure/officer who will take initial responsibility to manage the incident.

503. Part 4: dealing with the contents and functions of the two rooms within the broader SU culture:

503.1. **The panel recommends** that SU considers how best to limit the inappropriate involvement or interference of alumni associations in the affairs of residence life and the House Committees (though the panel acknowledges the vital and important role played by alumni/alumnae in the life of SU, and this recommendation should not be seen as an attack on that).

503.2. **The panel recommends** that SU considers how best to further regulate reunions on campus: rules pertaining to the types of activities that are acceptable on campus must be applied also to alumni/alumnae reunions and to events scheduled to occur in University residences by people other than residents.

504. Part 5: dealing with the extent to which Wilgenhof culture and practices are inimical to SU values, human dignity and the operations of residences:

504.1. **The panel recommends** that Wilgenhof be permanently closed (addressed further from paragraph 506 onwards).

504.2. **The panel recommends** that the values adopted by student residences must be aligned with SU values. The intent is to ensure that students are Maties first, though they may have a subsidiary identity as a resident in a residence or commuter student identity.

504.3. **The panel recommends** that the SU executive team determines methods or mechanisms to control activities undertaken by students, which are calculated to circumvent or undermine the Vision, Mission and Values of SU.

505. Part 6: dealing with possible contraventions of SU policies, regulations, rules or disciplinary codes having been contravened:

505.1. **The panel recommends** that the University should clarify the rules to state that only students who have met SU's academic requirement to be re-admitted in a residence or commuter student community, will be permitted to serve in leadership roles.

505.2. **The panel recommends** that the Office for Student Discipline must exercise oversight of the disciplinary process in residences, to ensure implementation of and compliance with the Code.

505.3. **The panel recommends** that Residence Rules should be consistent for all SU student housing across the board. The fact that the different

student communities can for instance decide on their own alcohol, visiting hours and constitutions leads to inconsistencies and communities doing their own thing and makes it difficult to manage.

505.4. **The panel recommends** that the Student Disciplinary office should be instructed to investigate the actions of [redacted], if he is still registered as a student, in relation to the off-campus 'loop' that was conducted for Wilgenhof in 2023. That investigation may lead to the implication of further student leaders or others who broke the rules in participating in the off-campus 'loop'.

506. Having regard to the findings and conclusion of the panel conveyed in this report, the panel is driven to the inescapable conclusions that:

506.1. The Nagligte ritual invokes symbols and practices associated with white supremacy, which demean residents of Wilgenhof.

506.2. The Nagligte ritual must be stamped out once and for all.

506.3. The Nagligte, as an unofficial disciplinary committee of Wilgenhof, must be disbanded.

506.4. The Wilgenhof culture – which reveres the Nagligte institution as one of its core expressions – is deeply problematic and counterproductive, viewed against SU's stated values and vision to become a transformed, diverse and inclusive *South African* university.

507. The question before the panel, then, is: what is the recommended way ahead?

508. A majority number of experts were clear that Wilgenhof must be closed down if these harmful practices are finally to be eradicated.

509. Key staff members of SU also conveyed the strong view to the panel that Wilgenhof as an institution is irremediable. It must be closed down. Wilgenhof is seen, especially by black staff and students, as a beacon of SU's troubled and racist history, rather than a symbol of change and progress. They see the continued existence of Wilgenhof as an indication of the University's refusal to take transformation and change seriously.

510. Leadership Members of the Victoria Cluster also urged the panel that Wilgenhof must be closed down.

511. The panel was consequently confronted with the views of diverse stakeholders of the University, who unanimously seek the closure of Wilgenhof as the only viable option.

512. Against this, the panel heard the views of current Wilgenhoffers and ou-Wilgenhoffers, who feel that Wilgenhof is entirely misunderstood and that closure of the residence would be a mistake: a case of "*throwing the baby out with the bathwater*".

513. The panel considered various alternative courses to address the conclusions in paragraph 506 above, including –

513.1. A truly deep, carefully managed and facilitated change management process at Wilgenhof, while using the threat of closure of Wilgenhof as something of a "stick" to facilitate real change (i.e. if the process of change fails or is not genuinely undertaken by Wilgenhof stakeholders, the residence will be closed down).[192] The panel cannot comment on how long that process might take. The dialogue would have to grapple with the difficult issues that maintain the primacy of the dominant culture at Wilgenhof, and members of that culture would have to be prepared not only to see their own blind spots, but also to acknowledge their privilege and make big sacrifices to engender deep and lasting change.

513.2. Engaging in an almost TRC-type, facilitated dialogue on campus in which all stakeholders of the University participate, to grapple with University-wide issues of racism, transformation, diversity, belonging and so forth, with a focus on residences. This would address issues such as "what does it mean to be the beneficiary of generational wealth and privilege?";[193] "what does it mean to carry a legacy of generational exclusion and marginalisation?";[194] and so forth. The panel heard that there have not been sufficient opportunities to really sit down and get to know people across the racial divide, hear their experiences, with a view to transforming SU. Perhaps Wilgenhof could be closed up temporarily (for a year or more) while this continues.

513.3. Converting Wilgenhof to a CoEd residence in keeping with SU's residence strategy: some experts felt this option could be feasible, provided that female students are in the majority.[195]

513.4. Ensuring that Wilgenhof is populated by a significant majority of black students. If this occurs, so the expert thinking went, it may create a safe

[192] The panel heard evidence that SU has once before acted decisively to stamp out a harmful student culture that manifested in the Libertas PSO. Libertas was shut down and then reinstated over a period of three years.

[193] And "where are my blind spots? What am I not seeing or recognising?'.

[194] This, the panel was told, is where we see a lot of the patterns at SU, for example, the students struggling with food, the hunger crisis on campus, the accommodation crisis on campus. It is largely racialized. Black, not white, students face these challenges.

[195] The practical implications of this would require at least substantial upgrades to the Wilgenhof building.

space for black students to speak out and to effect real change in the residence, to break and replace the Wilgenhof culture currently in place.

513.5. Changing the name of the residence (through an inclusive process): it appears to the panel unlikely that this would have any realistic chance of success. The Wilgenhof Association has acquired ownership of the name Wilgenhof, and if the residence continues to be used as a men's residence in the same buildings, there is no reason to think that the Nagligte will not survive and/or resurface again in future, as they have done before.

514. The panel holds the view, however, that none of the alternatives mentioned in paragraph 513 above is truly viable. Against the long history of resistance to change and reform at Wilgenhof, which has brought SU to this point, **the panel recommends** the permanent closure of Wilgenhof.

515. Taking such a decisive step would send a clear message to present and past students of SU, conveying the institution's commitment to break from the past in favour of change and transformation. This counteracts the perception that SU generates many policies and values, but they are empty gestures, because the University tends not to genuinely implement them.

516. The closure of Wilgenhof could also act as a springboard for deep and meaningful transformational engagement and conversations on campus, to stimulate real change across the University. The mere fact that Wilgenhof is shut down certainly does not do away with the need, conveyed to the panel by experts, for SU staff and students to engage deeply and openly on issues of transformation.

517. Transformation and renewal cannot be truly meaningful when there is no significant engagement with others representing the diverse demography of our country. The willingness to undertake such genuine engagement seems to be lacking at Wilgenhof, otherwise these objectionable Nagligte rituals and symbols could not have survived. Building a transformed SU and taking restorative action in pursuit of an inclusive university and residence entails being open to acknowledging one's own shortcomings and privilege – this is not apparent in Wilgenhof's culture or submissions to the panel.

518. If Wilgenhof is shut down, it would present the University with a valuable opportunity to repurpose the building to best advantage, according to its requirements. Whether this is to renovate the building and start a new Co-Ed residence in its place, or to create some other facility, that would be up to SU.

10 June 2024

List of Acronyms

BCIA: Black Coloured Indian Asian

CDC: Central Disciplinary Committee

CIRCoRe: The Committee for the Institutional Response to the Commission's Recommendations

CSC: Centre for Student Communities (currently known as CSLL)

CSLL: Centre for Student Life and Learning (previously known as CSC)

DAC: Disciplinary Appeal Committee

DC: Disciplinary Committee

DK: Disciplinary Committee / Dissiplinêre Komitee)

DVC: L&T Deputy Vice-Chancellor: Learning and Teaching

HC: House Committee / Huiskomitee

HDC: House Disciplinary Committee

HEA: Higher Education Act No.101 of 1997 as amended

HEMIS: Higher Education Information Management System

HK: House Committee / Huiskomitee

KKK: Ku-Klux Klan (also referred to as "the Klan")

NGK: Nederduitse Gereformeerde Kerk

Primarius: Head of HC referred to as Prim. when meaning male or female

PSO: Private Student Organisation

RDC: Residence Disciplinary Committee

RH: Residence Head

SU: Stellenbosch University (also referred to as "the University")

SRC: Student Representative Council

TA: Toe Argief / Closed Archive

TOR: Terms of Reference

TRC: South Africa's Truth and Reconciliation Commission

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List of Appendices

1. Panel's Terms of Reference;
2. Inventory of the two rooms;
3. Invitation to the University students, staff and alumni for written submissions;
4. Unsigned indemnity form for the "Long term plan"; and
5. Extract from architect's plan for new Wilgenhof building, 1962.

TERMS OF REFERENCE FOR THE INVESTIGATION OF THE CONTENTS OF ROOMS AT STELLENBOSCH UNIVERSITY'S WILGENHOF RESIDENCE

BACKGROUND

1. In January 2024, Stellenbosch University ('SU' / 'the University') conducted an audit of spaces and amenities at its Wilgenhof residence ('Wilgenhof'/ 'the residence'). During the audit, staff reported the contents of two rooms of the residence ('the contents'), which in the view of the Rectorate of the University ('the Rectorate') requires investigation.

APPOINTMENT AND OBJECTIVES

2. The Rectorate has appointed Advocate Nick de Jager (Chairperson), Dr Derek Swemmer and Ms. Penny van der Bank ('the Panel') to conduct an investigation of the contents with the following objectives:

   2.1. to draw an understanding of the historical, cultural and symbolic dimensions of the contents and functions of the two rooms and to consider this against the background of enculturation practices of Wilgenhof residence, and to advise the Rectorate accordingly;

   2.2. to consider in detail the significance of the contents and functions of the two rooms within the broader institutional culture and operations of SU residences;

   2.3. to assess, if and to what extent, the records, practices, and general culture of Wilgenhof are inimical to the values of the University and may involve encroachment on the human dignity of current and past SU students and staff;

   2.4. to establish whether unacceptable practices at Wilgenhof over time have been protected or covered up by university staff, alumni, or students;

   2.5. to assess whether there is evidence of conduct in contravention of any SU policies, regulations, rules, or the Disciplinary Code for Students of SU by past and /or current student leadership and / or management of Wilgenhof.

3. The aim of the Rectorate in appointing the Panel for this investigation is to ensure that the Panel acts towards assisting in the realization of the transformation of the University culture consistent with SU's Vision 2040. SU will make available to the Panel academic and professional expertise at the University to consult on aspects of the psychology, sociology, history and traditions and culture of SU and SU residences.

4. The Panel must report to the Rectorate after completing its functions in respect of the stated objectives and may provide any recommendations it may wish to make to the University.

PROCEDURE AND RULES

5. Subject to the provisions set out below, the Panel shall have the power to regulate its own proceedings for the investigation.

6. The Panel may request the Rectorate to designate one or more knowledgeable or experienced persons to assist the Panel in the performance of its functions, in a capacity other than that of a member of the Panel.

7. The Panel must conduct its functions in a comprehensively inquisitorial manner.

8. The powers of the Panel shall include the power to:

   8.1. identify, contact, and communicate with any person about matters relevant to the investigation;
   8.2. obtain any information relevant to its mandate, whether or not such information would be admissible in a court of law;
   8.3. conduct interviews to obtain information relevant to the investigation;
   8.4. obtain written statements or submissions relevant to the investigation;
   8.5. request, but not to compel, any member, employee or office bearer of the University and any persons that are not members, employees or office bearers of the University, to furnish information relevant to the investigation.

9. The Panel may in its discretion receive any information that is relevant to its mandate from any person and in any manner. However, the Panel shall only consider information that in the judgement of the Panel is relevant to matters mentioned in paragraphs 1, 2 (and subparagraphs) and 3 above.

10. The Panel shall conduct its interviews in person, online, and / or direct that information be provided in the form of a written statement.

11. The Panel will be required to keep a record of all relevant information and material received by it.

12. Interviews with persons shall be held at a SU venue determined by the Panel, after consultation with the Deputy Vice-Chancellor (Learning and Teaching) of SU.

13. Save as directed otherwise by the Chairperson, the interviews and other proceedings of the Panel will be held *in camera*.

14. All media enquiries relating to the Panel, its investigation, and related issues, will be dealt with by the Rectorate.

15. The Panel may, at the discretion of the Chairperson, use Van der Spuy Attorneys, represented by Mr. Yasseem Cariem ("**the Secretariat**") to perform secretarial and administrative supporting functions to the Panel.

16. All documents that are delivered or handed to the Panel as per paragraph 10 above, in a language other than English, must be accompanied by an English translation and a declaration by the translator that the translation is accurate.

17. Subject to the direction of the Chairperson, and to protect the confidentiality of the work of the Panel, no person may disclose the identity of any person interviewed by the Panel, or the identity of any person implicated by another person, or the contents of any statement or document provided to the Panel, to anyone other than a legal representative for the purpose of obtaining legal advice.

18. Any person providing information to the Panel, whether orally or in writing, may apply to the Chairperson of the Panel, on good cause shown, for leave to provide his or her information anonymously. For purposes of this provision, 'good cause' shall include a reasonable apprehension of intimidation or harassment by any other person or of adverse repercussions for providing evidence to the Panel.

19. Any report of the Panel to the Rectorate will be confidential.

20. No person appearing before the Panel shall have a right to question or examine any other person appearing before the Panel.

21. Any person who wishes to be legally assisted when interviewed by the Panel, must show good cause why this should be allowed and shall make a written application to the Chairperson, in which application the grounds for such a request are fully set out. Any decision by the Chairperson regarding such application shall be final.

22. Any person against whom an adverse allegation relevant to the investigation has been made in oral or written information presented to the Panel, shall be informed by the Panel:

22.1. of the adverse allegation against him, her or them and, if in writing, shall be provided with a copy of the relevant portion of the statement, together with any relevant document attached to the statement, if any.

22.2. of his, her or their right to be heard by the Panel, orally or in writing, and to call any person to provide evidence on his, her, or their behalf at the discretion of the Chairperson.

23. Only the Rectorate may amend these Terms of Reference.

24. The Chairperson may amend the Panel's Procedural Rules.

PANEL'S REPORT

25. At the conclusion of its investigation, the Panel must compile a full written report, and a summary of its report.

26. The Panel's final report with its findings and recommendations, if any, will be submitted to the Rectorate by not later than the end February 2024.

27. The provision of the Panel's final report may be postponed to a later date, as agreed to by the Rectorate, on condition that the Panel provide an interim report to the Rectorate by end February 2024.

28. The Rectorate will determine whether the Panel's report(s) should be published.

TERMINATION OF PANEL MANDATE

29. The Panel's mandate terminates once it has submitted its report to the Rectorate as contemplated in paragraph 26 above or maybe reconvened at the Rectorate's behest.

Signed at Stellenbosch on 12 February 2024

RECTOR AND VICE-CHANCELLOR
STELLENBOSCH UNIVERSITY

Stellenbosch UNIVERSITY IYUNIVESITHI UNIVERSITEIT

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G1.1

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Nagligte	1972	beskadig	
Nagligte	1973	beskadig	
Nagligte	1974	beskadig	
Nagligte	1975		
Nagligte	1976		
Nagligte	1977		
Nagligte	1978	glas is gebreek	
Nagligte	1979		
Nagligte	1980		
Nagligte	1981		
Nagligte	1982		
Nagligte	1983	beskadig	
Nagligte	1984	beskadig	
Nagligte	1985	2 foto's, 1 is beskadig	
Nagligte	1986		
Nagligte	1987		
Nagligte	1988		
Nagligte	1988-99		
Nagligte	1989-90		
Nagligte	1990 - 91		

Nagligte	1991 - 92		
Nagligte	1992 - 93	glas is gebreek	
Nagligte	1993-94	3 foto's, 2 is ongeraam	
Nagligte	1994 - 1995		
Nagligte	1995 - 1996	glas is gebreek	
Nagligte	1996 - 1997	6 foto's, 4 is ongeraamd	
Nagligte	1997 - 1998		
Nagligte	1998-99		
Nagligte	1999 - 2000		
Nagligte	2001 - 2002		
Nagligte	2002 - 2003	1 is ongeraamd	
Nagligte	2004		
Nagligte	2005		
Nagligte	2005-2006		
Nagligte	2007		
Nagligte	2008		
Nagligte	2008-2009		
Nagligte	2010		
Nagligte	2010-2011		
Nagligte	2012		
Nagligte	2012-2012a		
Nagligte	2012a-2014		
Nagligte	2014-2015		
Nagligte	2015-2016		
Nagligte	2018-2019		
Nagligte	2020-2021		
Nagligte	2021-2022		
Geblokte tekening van Wilgenhof	[n.d.]	geskenk	
Geblokte prent: Our House the very best of madness	[n.d.]		
Die Nagligte	[n.d.]	gekleurde foto met name agterop	
Golden Handshake 2003	2003		
Hofsitting 1927 of 1928	1928		
Wilgenhof Combine 2016/2017	2017		
Wilgenhof Dissiplinêre Komitee 2010/2011	2011		
Swanesang van die tradisionele kappie 2012A/2014	2014		
Skildery van persoon met rooi en wit wurm in mond	[n.d.]		
Skildery met Wilgenhof en soeklig daarop geverf	[n.d.]		
Nagligte 2008	2009	skildery	
Geraamde foto "bonfire" met sirkel mense rondom	[n.d.]		

	item	content		reference
	Items practed by SU Staff			
1		1 x old window frame 5 - windows in the frame was photographed.	window	090107
2			frame 1	90112
3			frame 2	090116
4			frame 3	090122
5			frame 4	090125
6			frame 5	090129
7		1 x black blind removed from window		090512
8		1 x long piece of black material plus minus 8m x 2m		091007
9		1 x self constructed display maniquen	photo 1	091254
10			photo 2	091311
11			photo 3	091316
12			photo 4	091335
13		Geen bin used for recycling in residences - liquid substance was rotting and thefore dicarded - have small sample	photo 1	091636
14			photo 2	091639
15			photo 3	091643
16		Jug and spoon		091609
17		Candle		091617
18		lamp		091621
19		3 x bottels		091626
20				091630
21		outdoor gardan larntern		092233
22		2 x black 20l paint containers stacked inside the top one there are material and clothes that are wet and soaked within a substance that has a bad odour and an empty beerbottle	photo 1	092257
23			photo 2	092300
24			photo 3	092307
25			photo 4	092314
26		**Bag 1: posters**		100403
27			dated 1937	100421
28		poster 1		100428

29		poster 2: De Volbrachters des vonnises en den bloedwrekers (undated)	photo 1	095835
30			photo 2	095830
31			photo 3	095825
32			photo 4	095816
33		poster 3: Nocturnus Horribilis	photo 1	095255
34		poster 4: Ordonnantie inde De Kreet	photo 1	095055
35			photo 2	095038
36			photo 3	095032
37			photo 4	095025
38		poster 5: Nocturnus Horribalus	photo 1	093655
39		Poster 6 Elitse uit die alle daagse lewe	dated 1957	
40			photo 1	094645
41			photo 2	094654
42			photo 3	094703
43			photo 4	094724
44			photo 5	094740
45			photo 6	094745
46			photo 7	101630
47			photo 8	101635
48			photo 9	101643
49			photo 10	101651
50		Poster 7 Nocturnus Horribalus Ano MMMMXVI		094130
51		Poster 8 Nocuturnus Horribalus Anno MMXVIII		094433
52		Poster 9 No title		102619
53		Poster: "Vrydag 1965"	photo 1	103022
54			photo 2	103017
55			photo 3	103010
56		Poster 10: No title		103807
57		Poster 11: Skeleton in backgound	Photo 1	104119
58			Photo 2	104112
59			Photo 3	103942
60		Poster 12		
61		front	photo 1	104346
62			photo 2	104356

63			photo 3	104405
64		back: engenering scetches dated 1 Oct 1959	photo 1	104517
65			photo 2	104524
66		Poster 13: Magnus Rex Silentii Noctis (1 Feb 1957 - CH Loots)		104932
67		Poster 14: Volbrachters des vonnisse en bloedwrekers		110040
68		Scriba Synodii		111038
69		Poster 15: Volbrachters des vonnisse en bloedbewrekers (dated 1963)		111229
70		Poster 16: WilgenHOF		
71			voor	111710
72			agter	111733
73		Poster 17: Bula la Thabathakatis		112547
74		Poster 18: 1939		112752
75		Poster 19		
76		front		112926
77		back		113020
78		Poster 20	front	113251
79			back	113315
80				113323
81		Posters	photo 1	113500
82			photo 2	113506
83		Repacked		114031
84		**Bag 2**		113947
85		content	crow mask	
86			black oval mask with A symbol on	
87		4 x group photo of nagligte	2020/2021	114843
88			2019/2020	114826
89			2016/2017	114807
90			2017/2018	114748
91		100 year reunion hoods	Individual names	
92		Repacked		114653
93				114705
94				114709
95				114714

96				114718
97				114722
98				114726
99				114731
100		**Bag 3**		120749
101		content	top hat with scull	121051
102			Badboy "police cap"	121100
103			Beanie black	121108
104			Plastic silver hook and chain	121113
105			grim reaper hook	
106			Plastic silver "stick"	
107			2 x black gloves	
108			1 x black fencing mask	
109		repacked in same bag	5 x black belt	
110		**Bag 4**	photo	123730
111		Poster 1 Building plans for Wilgenhof new dining hall and kitchen (dated 1965)		124600
112		Poster 2 (1961)		
113		front		124816
114		back		125142
115			photo 1	124824
116			photo 2	124831
117			photo 3	125026
118			photo 4	125031
119			photo 5	125036
120		Poster 3 12 x 4 songs with music	photo 1	125618
121			photo 2	125631
122			photo 3	125639
123			photo 4	125644
124			photo 5	125651
125		Poster 4		130125
126		Poster 5: certificate Raats		130342
127		Poster 6 "akte van toelating"		130449
128		Poster 7 Church		130607
129		Poster 8 11 Oktober 1932 church membership		130716
130		Poster 9: Raats - "huweliksbevestiger"	14-Aug-33	130859

131		Poster 10: Raats - "huweliksbevestiger"		131041
132		Poster 11 1940		131252
133		Poster 12 9 March 1938		131454
134		Poster 13: Nokturnus Horribalus 2004		131736
135		Poster 14: Nocturnus Horriballis		132452
136		Poster 15:		132953
137		Poster 16: Magnus Rex Siletitii Noctii		133129
138		Poster 17: Magnus Rex Siletitii Noctii		133556
139		Poster 18		134459
140		Poster 19		
141			front	134700
142		1953	back	
143		Poster 20 De Zitting des Hoër hof de Wilgens (1966)		135155
144		Poster 21		135815
145		Poster 22 (16 March 1934)		140045
146		Poster 23 Plans for garden		140315
147		Postr 24: Trebles I (1957)		140451
148		Poster 25 1949		141005
149		Poster 26 1947 (last will and testament)		141738
150		**Bag 5**		142052
151		Shoes - allegedly use to conceal identity of Nagligte	photo 1	142204
152			photo 2	142159
153			photo 3	142156
154			photo 4	142152
155		**Bag 6**		142559
156		9 x masks	photo 1	143335
157		11 x hoods	photo 2	143225

158		11 x muzzlers (10 black with white spray and 1 camoflage)	photo 3	143221
159			photo 4	143217
160			photo 5	143212
161			photo 6	143207
162		**Bag 7**		114142
163		Shoes - allegedly use to conceal identity of Nagligte	Photo 1	144232
164			Photo 2	144236
165			Photo 3	144242
166			Photo 4	144532
167		**Bag 8**		144846
168		Content	Old "tractor" light	145024
169			2 x mask	145019
170			2 x belts	145016
171				145010
172		**Bag 9**		145553
173		Content	shoes	145723
174			chair	145726
175			climbing gear	145742
176			1 pair of socks	145749
177				145756
178		**Bag 10**		150219
179		Black pot		150343
180		Monkey	photo 1	150336
181			photo 2	150334
182			photo 3	150332
183			photo 4	150510
184			photo 5	150455
185		**Bag 11**		150749
186		content	full content	151350
187			Nagwagte flag	
188			front	151418
189			back	151403
190			2 x photos in frames	151611
191				151634
192				151659
193			1 x photo of two naked men on the others shoulders (1957)	151646
194			1 x photo of three naked men taken from the back	
195			front	151557
196			back for names	152007

197			Rope	151707
198			3 x chains different lenghts	151525
199			1 x robe with dragon embroidered on the back	151719
200			front	151758
201			1 x mask	151723
202			1 x green scroll	152224
203			photo 1	152240
204			photo 2	152250
205			photo 3	152257
206			photo 4	152303
207			photo 5	152308
208			photo 6	152312
209			photo 7	152316
210			photo 8	152326
211			1 x red scroll	
212			photo 1	152420
213			photo 2	152427
214			photo 3	152435
215			photo 4	152442
216			photo 5	152447
217			photo 6	152452
218			photo 7	152458
219			photo 8	152503
220			photo 9	152510
221		**Bag 12**		163205
222		8 x note books by nagligte	record of practices	needs to be scanned
223		Letters to self after "toenaweek" (August 2021)	red and green theme	
224		Individuals Names		
225	Indemnity Forms for Participation in "The Long-term Plan			
226	Rental Company	Unsigned / blank forms		
227	Established: 26 March 2021			
228	Private Company	Individuals Names	22-Aug-23	
229	Legal Address: Of said company	Individuals Names	22-Aug-23	
230	Directors: Of company	Individuals Names	22-Aug-23	
231	Link of company	Individuals Names	23-Aug-23	
232		Individuals Names	23-Aug-23	
233		Individuals Names	23-Aug-23	
234		Individuals Names	23-Aug-23	
235		Individuals Names	23-Aug-23	
236		Individuals Names	23-Aug-23	
237		Individuals Names	23-Aug-23	

		Individuals Names	23-Aug-23	
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		Individuals Names	23-Aug-23	
		Individuals Names	23-Aug-23	
		Individuals Names	23-Aug-23	
		Individuals Names	23-Sep-23	
		Individuals Names	Undated	

		"Jarre Poems"		
		Individuals Names		
		Individuals Names		
		Individuals Names		
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		Individuals Names		
		Crimes 1962		
		Crimes 2016		
		Crimes 2019 (potential_October 2019)		
		2019 original Crime Individual Name		
		Crimes 2019		
		Crime declarations individual name		
		List of Crimes April 2022		
		Undated Crimes_fromal braai invitation 1		
		Undated Crimes_fromal braai invitation 2		
		Undated Crimes_fromal braai invitation 3		
		Undated Crimes_fromal braai invitation 4		
		Undated Crimes_fromal braai invitation 5		
		Undated Crimes_fromal braai invitation 6		
		Braai invitation_ Residence Head	invitation	
		Nagligte beleid_2013	Individuals Names	
		Beleid van die orde van die Nagligte_undated		
		DK beplanning weekend 2014 programme	programme	
		Letter to Wilgenhof	letter	

		Memo_Demands for Wilgenhof undated	memo	
		Reflections	dated 22 August 2023	
		Wilgenhof Bonfire	voorwaardes	
		Bag 13		
		contents		163750
			3 x initiation file	163757
			3 x nagligte art	163803
			4 x recordings	163810
				163814
				163817
			8 x pencil drawings	
			photo 1	163826
			photo 2	163831
			photo 3	163837
			photo 4	163847
			photo 5	163853
			photo 6	163858
			photo 7	163909
			photo 8	163918
		14 Black crate	photo 1	164535
			photo 2	164540
		content		164638
			1 x water bottle	164723
			1 x ice tea bottel	164728
			1 x bitter crystal	164733
			1 x small bag brown powder substance	164730
			1 x 5l raw line seed oil	164741
			1 x bag white powder substance	164737
		15 "Doopkomkis" initiation committee crate	photo 1	165519
			photo 2	165523
			photo 3	165731
		contents	photo 1	165530
			photo 2	165737
			mask/hood	165741
			battery	165745
			screwdriver	
			nails + caps	
			nail caps	
			scuba gear	165749
				165756
			scraper	165756

			torch	
			knive	
			yellow paint	
			5l paint	165804
			2 x 1l	
			2 x spray paint	
			white plastic bags	
		Bag 16	Naglig mask	
		Bag 17		100103
		repacked		121119
		content	photo 1	100515
			photo 2	100517
			photo 3	100528
		poster 1	Nocturnus Horibalus (undated)	100719
		poster 2	10 March 1956 Huis Div Lydia Wilgenhof tennis tournament	101204
		poster 3	tennis rournament Huis Div and Wilgenhof (20 March 1954)	101248
		poster 4	Building plans New dining hall 1963	101741
		poster 5	Building plans New dining hall	102003
		poster 6	Building plans New dining hall 1962	
		poster 7	Building plans for Wilgenhof squash courts	102714
		poster 8	Building plans for Wilgenhof squash courts	102852
		poster 9	Building plans wilgenhof 1st floor plans "room 88" on first floor	103049
		poster 10	Proposed renovations building plans (1963)	103322
		poster 11	Revised Building plans (1963)	103554

		poster 12	Magna Nox Terbile Mortis	103954
		poster 13	De Volbrachtersdes vonnisse en de Bloedwrekers	105151
		poster 14	Building plans Wilgenhof - new dining hall and kitchen	105841
		poster 15	New building plans Wilgenhof 2nd and 3rd floors	110003
		poster 16	New building plans - Wilgenhof review 1962 "Room 88"	110209
		poster 17	Advocati ad Prosequendam	110442
		poster 18	Part 2 (goes with poster 17)	110802
238			Constabulan Wagterens op Zionsmure (dated 1962)	111119
239		Poster 19	8 Maart 1952 Huis de Villiers en Wilgenhof tennistoernooi	111234
240		Poster 20		111430
241		Poster 21	dated 1938	111849
242		Poster 22	Wilgenhof 1962	112347
243		Poster 23	De Fluitje (1957)	
244			voor	112723
245			agter	112746
246		Poster 24	Ordonnante ende dekreet (1941) scriba synodii	113017
247		Poster 25	Ordonnantie onde dekreet (1939)	113327
248		Poster 26	1937	113644
249		Poster 27	tekening nagligte met galg	113834
250		Poster 28	old poster	114157
251		Poster 29	dating 1940	114311

252		Poster 30	Ordonnantie de Decretum scriba Synodii (1951)	114443
253		Poster 31	Nocturnus Horribalis	
254			voor	115048
255			agter	115025
256		Poster 32	dating 1951	115236
257		Poster 33	De Zitting Hoërhofs de Wilgens	115446
258		Poster 34	Degree Certificate (1927)	115912
259		Poster 35	Teologie Professors	120026
260		Poster 36	Nocturnus Horriballis	120229
261		Poster 37	Wilgenhof 1964	120713
262		"Bag" 18	"mandjie" content	121325
			3.5 pairs of gumboots	121508
			1 pair x workboots	
			1 pair x vellies	
			1 x krieket paaltjie	121512
			chains	
		contents repacked		121951
		Bag 19		122132
			content	122456
			3 x oli lamps without glass	122500
			3 x paint rollers	122503
			1 x pack of water balloons	122508
			2 x colour smoke "flair"	122511
			1 x sheet with Rennies	122517
			1 x broken broom	
			1 x old and smelly robe and hood/mask	122522
			repacked	123142
		Bag 20	Nagligte "display"	123430
			repacked	123801
		Bag 21	12 x nagligte attire (dirty and smelly)	124006
				124323
			Robe 1	
			front	124615

			back	124628
			Robe 2	
			front	124814
			back	124838
			Robe 3	
			front	125023
			back	125047
			Robe 4	
			front	125221
			back	125246
			Robe 5	
			front	125413
			back	125438
			Robe 6	
			front	125609
			back	125628
			Robe 7	
			front	125734
			back	125753
			Robe 8	
			front	125946
			back	130005
			Robe 9	
			front	130126
			back	130147
			Robe 10	
			front	130300
			back	130318
			Robe 11	
			front	130445
			back	130501
			Robe 12	
			front	130634
			back	130651
		Bag 22	tombstone	
			1 x lamp	131130
		Green folder ("Bag" 23)		133944
		containing HC reports (links to some but not all reports are incl.)		133949
		Report by HC responsbile for Archive (term 1975/1976) mentions a "committee room" where photos of the House Committee and Nagligte was displayed see par 1		

		Vice prim report 1982/1983		
		Prim report (reference to nagligte)		
		Report naglite 1979/1980		

Wilgenhof Furniture

1	Display Cabinet	
2	Blaauwklippen Wine Box	
3	2 Desks drawers One with drawers and One without drawers	

4	1 Steel File cabinet	
5	1 small black Cabinet	
6	Coffin without lid	

7	3 1.5m tables	 
8	2 Tyres 1 wine barrel	

9	Woode stump	
10	Wooden Perspex frame	

View in web browser

19 February 2024

Stellenbosch UNIVERSITY IYUNIVESITHI UNIVERSITEIT

BULLETIN

AFRIKAANS | ISIXHOSA

Investigation into the contents of two rooms at the Wilgenhof residence: Request to provide information to the investigating panel

Dear colleagues and students

If you have any information which you think may be relevant or useful to the panel in conducting its investigation, please take note of these instructions:

- Kindly submit any information in writing by email to attorneys VanderSpuy Cape Town (Ref.: Mr Yaseen Cariem, **yaseenc@vdslaw.co.za** and (021) 419 3622), who are administering the panel's processes.
- Having submitted your information in writing, you may be invited to be interviewed.
- If you wish to submit information anonymously, you must first address a written request to the panel chairperson for approval to do so. Your request must set out good cause why you wish to remain anonymous and must be emailed to VanderSpuy Cape Town. The decision to approve or deny your request is final.

Written statements must be submitted to VanderSpuy Cape Town before close of business on 29 February 2024.

Ondersoek na die inhoud van twee kamers by die Wilgenhof-koshuis: Versoek om inligting aan die ondersoekpaneel te verskaf

Beste kollegas en studente

Indien jy oor enige inligting beskik wat jy dink toepaslik of vir die paneel van nut kan wees in hulle ondersoek, moet jy asseblief op die volgende instruksies let:

- Stuur asseblief enige inligting skriftelik per e-pos aan die prokureursfirma VanderSpuy Kaapstad (Verw: Mnr Yaseen Cariem, **yaseenc@vdslaw.co.za** en 021 419 3622), wat die paneel se prosesse administreer.
- Jy kan moontlik vir 'n onderhoud genooi word nadat jy jou inligting skriftelik

ingedien het.
- Indien jy inligting anoniem wil indien, moet 'n skriftelike versoek aan die paneelvoorsitter gerig word vir goedkeuring om dit te doen. Jou versoek moet 'n goeie rede verskaf waarom jy anoniem wil bly en moet per e-pos aan VanderSpuy Kaapstad gestuur word. Die besluit om jou versoek goed te keur of te weier, is finaal.

Geskrewe verklarings moet teen sluitingstyd op 29 Februarie 2024 by VanderSpuy Kaapstad ingedien word.

Uphando malunga noko kungaphakathi kumagumbi amabini kwikhaya labafundi iWilgenhof: Isicelo sokuba oko kwaziwayo kunikwe ipaneli eqhuba

Boogxa bam nani bafundi

Ukuba unako nakuphi na okwaziyo ocinga ukuba kungaphathelana okanye kube luncedo kwiphaneli ekuqhubeni kwayo uphando, nceda uqaphele le miyalelo:

- Nceda ungenise ngesisa ngeimeyili nakuphi na okwaziyo kumagqwetha akwaVanderSpuy Cape Town (Ubhekiso.: Mnu Yaseen Cariem, yaseenc@vdslaw.co.za naku(021) 419 3622), amagqwetha alawula iinkqubo zephaneli.
- Wakuba ukungenisile oko ukwaziyo ngokubhaliweyo usenokumenyelwa kudliwanondlebe.
- Ukuba ufuna ukungenisa oko ukwaziyo kodwa iinkcukcha zakho zingabhengezwa, kuza kufuneka uqale ngokuthumela isicelo esibhaliweyo kusihlalo wephaneli sokuba akuvumele ukuba wenze njalo. Isicelo sakho kufuneka sichaze isizathu esivakalayo sokuba unqwenele ukuba iinkcukacha zakho zingabhengezwa kwaye eso sicelo masithunyelwe kwabakwaVanderSpuy Cape Town. Isigqibo sokuvuma okanye sokwala isicelo sakho asinakujikwa.

Iingxelo ezibhaliweyo mazingeniswe kwabakwaVanderSpuy Cape Town ngaphambi kokuvalwa kweeofisi ngomhla wama29 kweyoMdumba 2024.

Indemnity Form for Participation in "The Long-Term Plan"

In consideration of being allowed to participate in the intense boot-camp style exercise programs offered by "The Long-Term Plan," organised by [redacted] enterprise number [redacted], henceforth referred to as "The Long-Term Plan', which may include activities such as the voluntary ingestion of noxious linseed oil and aloe crystals and the possibility of seeing other participants nude, I, the undersigned, hereby acknowledge and agree to the following terms and conditions:

Assumption of Risks: I understand that participation in the intense boot-camp style exercise programs of "The Long-Term Plan" involves rigorous physical activities, inherent risks, and potential voluntary exposure to noxious substances. I am also aware that activities may include seeing other participants in a state of nudity. These risks include but are not limited to, minor injuries such as small cuts and bruises, major injuries like broken limbs, adverse effects from ingesting noxious substances, and possible death and potential emotional discomfort from observing nudity. I willingly assume all associated risks.

Release and Waiver: I hereby release, discharge, and hold harmless The Long-Term Plan and its officers, employees, agents, and representatives, from any and all claims, liabilities, demands, actions, or causes of action arising out of or related to any injuries, losses, damages, adverse effects, or emotional discomfort I may sustain during my participation in the intense boot-camp style exercise programs of The Long Term Plan, including the activities mentioned above.

Indemnification: I agree to indemnify, defend, and hold harmless The Long-Term Plan, its officers, employees, agents, and representatives from and against any and all claims, liabilities, damages, costs, and expenses (including reasonable legal fees) arising out of or related to my participation in the intense boot-camp style exercise programs of "The Long-Term Plan," including the activities mentioned above.

Non-Disclosure Agreement (NDA): I understand that any information, materials, or knowledge obtained during my participation in the intense boot-camp style exercise programs of "The Long Term Plan" is considered confidential and proprietary. I agree not to disclose, share, or use such confidential information for any purpose.

Medical Treatment: In the event of an injury, medical emergency, adverse effects, or emotional distress during my participation in "The Long-Term Plan," I authorize the staff of "The Long-Term Plan" to seek and administer necessary medical treatment or support on my behalf. I understand that I am solely responsible for any medical expenses incurred.

Choice of Law: This indemnity form shall be governed by and construed in accordance with the laws of South Africa.

Severability: If any provision of this indemnity form is held to be invalid or unenforceable, the remaining provisions shall continue to be valid and enforceable.

I have carefully read and understand the terms of this indemnity form, and I voluntarily sign it with the full understanding of its legal consequences.

Participant's Name: _____

Participant's Signature: _____

Date: _____

Emergency Contact Information:

Name: _____

Relationship: _____

Phone Number: _____

Address: _____

APPENDIX 5