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ReL: 14/5/8 'Hendrik Verwoerd Buiiding
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' F Pvae Bag 9051
YeurReL: 1 CapeTown,8000
TeL2455412/3
5 August 1987
Chairman of the Council
University of the Witwatersrand
1 Jan Smuts Ave
JOHANNESBURG
2001

Dear Sir

CONDlTIONS DETERMINED UNDER SECTION 25(1) OF THE UNIVERSITIES
ACT, 1955 (ACT 61 OF 1955)

With reference to the discussions held on 5 August 1987 be-
tween members of Cabinet and members of the various Ministers'
Councils on the one hand and representatives of universities
on the other hand, I wish to inform you of my intention to
determine the following conditions tn! virtue (3f the powers
vested in me under section 25(1) of the above-mentioned Act to
serve as a basie for the allocation of subsidies to your
University:

1. The Council of your University shall take all reasonable
steps directed towards -

(a) the prevention of wrongful or unlawful interference with
or discrimination against students or staff nwmbers of
your University in the pursuit of their normal and lawful
activities as such students or staff members;

(b) the accomplishing of the Undisrupted and undisturbed
continuance of the teabhing and research activities and-
of all related supporting activities, of your University
in accordance with the pre-determined academic calendar;

(c) the deterring on the premises of your University of
gatherings which are unlawful by virtue of the provisions
of any law, the boYcotting of classes or examinations,
any other disruptive or seditious conduct or the commiSe
sion of any act of intimidation, as contemplated in sec-
tion 1 of the Intimidation Act, 1982 (Act 72 of 1982), in
respect of any student or staff member;

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(d) the prevention of staff members or students of your University or other persons from using E

(i) any supplies (including stationery);

(ii) any equipment (including vehicles, office equipment: printing presses, recording equipment, -sound amplifying equipment or notice boards);

(iii) any buildings; or

(iv) any land improvements other than buildings, of your University for any (3f the following purposes, namely: n

(aa) the promotion of the aims or public image of any unlawful 'organization as defined in section 1 Of the Internal Security Act, 1982 (Act 74 of 1982), or of any affected lorganization as dEfinEd in section 1 of the Affected Organizations Act, 1974 (Act 31 Of 1974);

(bb) the promotion, support or organising of a boycott action of any kind against -

(aaa) any particular firm or against firms of any particular nature, class or kind;

(bbb) any particular product for article or against products or articles of any particular nature, class or kind; or

(CCC) any particular educational institution or against educational V institutions of any particular nature, class or kind;

(cc) the incitement or encouragement of members of the public to stay away from work or to strike in contravention of the provisions of any law;

(dd) the promotion of support or organising of any campaign of civil disobedience in terms of which members of the public are incited or encouraged, or which is calculated to have the effect of inciting or encouraging members of the public _

(aaa) to refuse to comply with or to contravene a provision of, or requirement under, any law;

(bbb) to refuse to fulfil any obligation towards a local authority, as defined in regulation 1 of the regulations published by Proclamation R.97 Of 1937: in respect of rent. or a municipal service;

(ee) the printing, publishing or dissemination of any publication in contravention of a notice issued d8: gpactjcxlq 5(1) Of tklc IrA-Cihh FlCtl 74

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ArHF-1 Security act of 1982); or

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(ff) the commission of any act which endangers or which may endanger the Safety of the public or the maintenance of public order;

(e) the disciplining of any student or staff member who, to the satisfaction of the Council, is found to have -

(i) been guilty of conduct intended as or constituting interference of discrimination as contemplated in paragraph (a);

(ii) been guilty of conduct which disrupted or could have disrupted the teaching, research or related supporting activities contemplated in paragraph (b);

(iii) organised, promoted or taken part in any unlawful gathering, boycott, other disruptive or seditious conduct or act of intimidation contemplated in paragraph (c); or

(iv) used any supplies, equipment, building or land improvement referred to in paragraph (d)(i) to (iv), inclusive, for any of the purposes set out in paragraph (d)(aa) to (ff), inclusive;

(f) the disciplining of any student or staff member who conducts himself in a seditious or riotous manner within a radius of two kilometres from the perimeter of the Campus of your University;

(9) the disciplining of any student or staff member who, to the satisfaction of the Council, is found to have at any place committed an act against any other student or staff member which may render such first-mentioned student or staff member liable to prosecution on a charge of having committed intimidation as contemplated in section 1 of the Intimidation Act, 1982 (Act 72 of 1982); and

(h) ensuring strict compliance with the provisions of section 17 of the Joint Statute of the Universities regarding the submission of a certificate of conduct by a student who was previously registered at another university: Provided that your University shall not register any student who has been expelled from another university on the grounds of misconduct contemplated in paragraphs (e), (f) and (9) above.

2. Any incident of unrest or disruption or any other occurrence against the happening of which the preventive or disciplinary measures contemplated in paragraph 1(a) to (g), inclusive, are directed, involving your University or a student or staff member thereof and of which you are aware or which has been brought to your attention shall be notified to me in writing within ten days of the date

on which it took place, or in the event of such incident or occurrence coming to your notice only after the expiration of such period of ten days, within such further period, not exceeding ten days, as you can conveniently so notify' me. Your notification shall be accompanied by an explanation of the circumstances giving rise to the incident or occurrence, as well as by a report submitted by or on tmhalf of your Council setting forth what steps, if any, were taken in respect of the incident or occurrence; including disciplinary steps contemplated ijl paragraph 1(e), (f) or (g), and what steps, if any, ale intended to be taken in order to prevent a recurrence of similar incidents or occurrences in the future. On receipt of Such a report I will notify you of my finding whether you have complied with the above conditions. If I find that my conditions have not been met, you will be notified accordingly and afforded 10 days to furnish me with your submission relating to the finding. rIf the submission Lfails, the formal procedure in terms of section 27 of the .Universities Act, 1955 (No. 61 of 1955) will commence. In accordance with tlmz verbal assurance given 11) you, your Council is afforded the opportunity to comment on the above-mentioned conditions before 31 August 1987. You will be notified in writing of the final conditions.

Yours sincerely

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MINISTER OF EDUCATION AND CULTURE,
ADMINISTRATION : HOUSE OF ASSEMBLY

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THE SENATE' S RESPONSE TO THE MINISTER' S LETTER CONCERNING CONDITIONS
__--.w_ 11512511155 ACT, 1955 __CI
DETERMINED UNDER SECTION 25
61 OF 1955

The Senate has studied the broad principles set out in the Minister's
publlc statement and also the details and confldential_ condltions
set out in the thlster's Tetter to the Chairman of the University
CounciT.

There is, however, E cTear d15tlnctlon between the pubTlcTy-released
prncplles and the confldential condltions conveyed ln the letter.
Hhlls same of the prncplles dlscussed ln the media appear reasonablew
the undiscTosed condltions are substantlally at variance with those?
gprncplles. The Senate ndtes that the Government' 5 pubTished statement
expresses a commitment to freedom of speech, and it notes further
that by asking counclTs of unlversltles to conslder means to safeguard
this freedom, the Government seemingly desires to preserve the autonomy
of the unlversltles. But paradoxlclally, much of what the Government
requres of the Unlverslty in its cohfdential letter entalTs a denlal
of free Speech on _campus, knnStitutes an lnVasion of the autonomy?
:of the unlverslty, land a usurpatlon Ofelthe University's legitimate
?ield of authority.

The University is dedicated to the acqulsitl0n, advancement and
lmpartlng of knowTedge through the pursuit of truth in balanced and
dlspassionate teaching, ln tolerant and scholarly discourse, in free
and open debate, and in the undertaking of independent and contract
research. In all these actlvltles the Unlver5lty strives for
nationally and Internationally recognised exceTTence, the malntenance
of the highest standards and the greatest possibTe contemporary and
Tocal reTevance. The Senate beTieves that the Unlverslty achleves
its aims, and that its hlgh national and internationaT reputatlon
redounds to the credit of the country as a whoTe.

The lnstltutl0n has tstandards of exceTTence equal to the highest
in the Tand ln the educatlng of students and in schoTarship and
research. This has been established by varlous independent statutory
bodies and in International assessments. Standards of e-ducaton
contlnue to rlse, and the academlc roductlvltly of the Unlverslty
has never beeg b_lgher. ?85a35 TE\$E\$gEiEE1lf ubllsHEH\$.3thhy
\$1 _:vt:mst;;productlveu\$outh AfrftanWmversi '25:) that: bf 31: was;
&he"; greatest"aandl&m631?1%ostzgijecttve? Theg research done at Hits
15 a national asset of great 533Mlncreasing value at a tlme when
llnks wlth the outsldo woer are becomlng ever more dlfflcult to
malntaln. Over the years,as admllssion requirements have become
increasingTy competetive the proportion of undergraduates and
postgraduates who have completed their degrees has lncreased. No
one can have any doubt that the University 15 making a signlflcant
contrlbutl0n to the country's high-TeveT manpower needs. It cannot
be said that taxpayers' money is belng wasted.

The Unlver5lty 15 sen5ltlve to national needs and accountable to
all its constituent communtles afor lts use of publlc_ funds, but '
at the same tlme it must be autonomous. Accountablilty to any one

sector of the public should be manifestly unfair and wrong. Outside interference and the application of pressure, whether by individuals, sectarian groups, business or professional interests, political parties or the Government, are unacceptable. Equally unacceptable is any use of violence, intimidation, harassment, or discrimination; any wilful disruption of University activities (particularly teaching and research, classes and gatherings); and any abrogation of the freedom of Speech, whether it be by students, staff or outsiders. The core of academic freedom is freedom of expression and freedom of enquiry. The University must therefore continue to do all that it can to ensure that these freedoms prevail within its walls, exposed neither to restriction nor to intimidation, neither to disruption nor to censorship. At the same time, the university requires that academic freedom be exercised with responsibility. While the University is dedicated to ensuring the free expression of views and the peaceful continuation of teaching and research, it must protect life, limb and property. Senate will continue to support Council, the Vice-Chancellor and University officers in controlling events on campus, including disciplinary action when they judge this appropriate. Outside interference in this function is wrong in principle and unworkable in practice.

It would be wholly inconsistent with its aims and values were the University, at the same time as it sustains academic freedom and the right of free Speech, to waive in, let alone participate in, measures that seek to limit such liberties. The University has also committed itself to providing a forum for untrammelled, rational and unrestricted enquiry into and debate upon the many sensitive issues that must be aired if solutions are to be found for the pressing problems the country faces. This it cannot do unless it retains its autonomy; and therefore it cannot and it will not surrender to coercion from within or from without.

The conditions set out in the Minister's letter are incompatible with the normal functions of a university; they are inimical to the maintenance of academic standards, the realising of the research potential and the retention of the international reputation of the University of the Witwatersrand. They are in direct conflict with the most cherished ideals of the University. If enforced they will destroy a national asset.

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