



Commission for Gender Equality
A society free from gender oppression and inequality



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 Gender Commision of South Africa



REPORT ON

FOLLOW-UP HEARINGS ON
GENDER TRANSFORMATION
IN TERTIARY INSTITUTIONS
FOR THE FINANCIAL YEAR 2019/2020

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Abbreviations

AAMP	Accelerated Academic Mentoring Programme
AIDS	Acquired immunodeficiency syndrome
AP	Associate professor
BCEA	Basic Conditions of Employment Act
BPA	Beijing Platform for Action
CA	Chartered accountant
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CGE	Commission for Gender Equality
CGEA	Commission for Gender Equality Act
CiIMS	Central Integrated Information Management System
COS	Conditions of service
CPF	Community Police Forum
CUADS	Centre for Universal Access and Disability Support
DHET	Department of Higher Education and Training
DG	Director General
DVC	Deputy Vice-Chancellor
DWS	Department of Water and Sanitation
EE	Employment Equity
EEA	Employment Equity Act
EEAC	Employment Equity Advisory Committee
EEP	Employment Equity Plan
GAP	Gender Advocacy Project
GBV	Gender-based Violence
HEAIDS	Higher Education HIV/AIDS Programme
HIV	Human immunodeficiency virus
HOD	Heads of departments
HR	Human resources
HRA	Housing Residence Affairs
HRD	Human resources development
ICT	Information and communication technology

IPATC	Institute for Pan-African Thought and Conversation
JMPD	Johannesburg Metropolitan Police Department
KPA	Key performance area
LGBTIQA+	Lesbian, gay, bisexual, transsexual, intersex, queer/questioning, asexual and other
LLL	Listening, Learning and Living
LPR	License plate recognition
MEC	Management Executive Committee
MOU	Memorandum of understanding
nGAP	New Generation of Academics Programme
OMARR	Operation, Monitoring, Analysis and Response Rooms
PASS	Professional Administrative Support Services
PRO	Public relations officer
NMU	Nelson Mandela University
NSFAS	National Student Financial Aid Scheme
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PWD	Person with disability
NRF	National Research Foundation
RAM	Resource Allocation Model
SADC	Southern African Development Community
SAPS	South African Police Service
SART	Sexual Assault Response Team
SDGs	Sustainable Development Goals
SL	Senior lecturer
SPU	Sol Plaatje University
SRC	Student representative council
SU	Stellenbosch University
TCTI	Total cost to institution
TGP	Total guaranteed packages
The Constitution	The Constitution of the Republic of South Africa
TP	Transformation Plan
TUT	Tshwane University of Technology

TVET	Technical and Vocational Education Training
UCDG	University Capacity Development Grant
UFS	University of the Free State
UJ	University of Johannesburg
UMP	University of Mpumalanga
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UniZulu	University of Zululand
VC	Vice-Chancellor
VRSITP	Vice-Rector: Social Impact, Transformation and Personnel
WELA	Women in engineering leadership association

1. INTRODUCTION AND BACKGROUND

The Commission for Gender Equality ('the Commission') is an independent statutory body created in terms Chapter 9 of the Constitution of the Republic of South Africa, 1996 ('the Constitution'). The Commission has a mandate to promote and protect gender equality in government, civil society and the private sector. To this end, the Commission for Gender Equality Act No. 39 of 1996 ("CGE Act"), as amended, ('the CGE Act') gives the Commission the power to monitor and evaluate policies and practices of organs of state at any level; statutory bodies and functionaries; public bodies and authorities and private businesses, enterprises and institutions to promote gender equality and make any recommendations that the Commission deems necessary.

During the 2017/2018 and 2018/2019 financial years, the Commission embarked on an investigation that was specifically targeted at gender transformation within various institutions of higher learning around South Africa. The following institutions were identified during the 2017/2018 financial year:

- University of Johannesburg (UJ)
- University of the Free State (UFS)
- Stellenbosch University (SU)

During the 2018/2019 financial year, the following universities were identified:

- University of Zululand (UniZulu)
- University of Mpumalanga (UMP)
- Nelson Mandela University (NMU)
- Sol Plaatje University (SPU)

The aim of the investigation was to gain a proper understanding of the gender dynamics and slow pace of gender transformation in the various institutions of higher learning. It had also been observed that there were low levels of compliance with legislation that specifically targeted gender transformation, e.g. the Employment Equity Act (Act No. 55 of 1998) (EEA), Basic Conditions of Employment Act (Act No. 75 of 1997) (BCEA), Promotion of Equality and Prevention of Unfair Discrimination Act (Act No. 4 of 2000) (PEPUDA) and applicable international and common law.

The purpose of the investigation is to ensure implementation and compliance with the recommendations contained in the Commission's reports regarding the above-mentioned institutions of higher learning, including:

- to identify institutions that do not comply with the Commission's recommendation;
- to obtain reasons for non-compliance;
- to demand or assist the institutions with compliance where possible;
- to invite the institutions that do not comply for follow-up consultations;
- to compile a report on the outcomes of the follow-up consultations.

2. PURPOSE OF FOLLOW-UP HEARINGS

The procedure for conducting any investigation is provided for in terms of Sections 10 to 18 of the CGE Act, as amended, and regulated in terms of the procedure set out herein, read in conjunction with the relevant CGE Complaints Manual, a public document gazetted in July 2016. All persons, including Commissioners and officials of the Commission, as well as entities and individuals subject to an investigation inclusive of any other person or organisation which has been appointed to assist or participate in an investigation will be subject to the procedures set out herein.

Section 12 (4) (b) of the CGE Act provides that the Commission may:

“Require any person by notice in writing under the hand of a member of the Commission, addressed and delivered by a sheriff, to appear before it at a time and place specified in such notice and to produce to it specified articles or documents in the possession or custody or under the control of any such person: Provided that such notice shall contain the reasons why such person’s presence is needed and why any such article or document should be produced.”

The Commission dispatched letters listing the various recommendations made by the Commission and requested written progress reports from the institutions who participated in the initial transformation hearings.

Upon receiving information from the various entities, the Commission considered the level of progress and/or compliance with the recommendations. When analysing the information submitted, the Commission considered the level of progress and/or compliance by the institutions, as well as reasons provided for the non-implementation and /or measures put in place to achieve full compliance with the recommendations by the Commission.

The Commission issued notices to appear in terms of Section 12 of the CGE Act to the respective institutions who did not show notable progress. These institutions were invited to participate in the follow-up hearings for the 2019/20 financial year to make further presentations before the Commission on their progress and alternative measures put in place to address transformation within the various institutions.

3. Legal Framework

3.1. Constitution of the Republic of South Africa, 108 of 1996 (The Constitution)

Section 7(1) of the Constitution states that the Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. Section 7(2) states that the state must respect, protect, promote and fulfill the rights in the Bill of Rights. Section 9(3) states that the rights in the Bill of Rights are subject to the limitation contained or referred to in Section 36, or elsewhere in the Bill of Rights.

Section 9(1) of the Constitution states that everyone is equal before the law and has the right to equal protection and benefit of the law. Section 9(3) further states that the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

Section 23 of the Constitution provides that everyone has the right to fair labour practices. Section 29 of the Constitution further provides that everyone has the right to education, which includes the right to basic education and a right to further education which the state through reasonable measures must make progressively available and accessible.

3.2. The Commission for Gender Equality Act (Act No. 39 of 1996) as amended (the CGE Act)

The CGE Act was promulgated into law in 1996. The Commission has been established in accordance with the CGE Act to promote respect for, the protection of, development and attainment of gender equality. In terms of Section 11(1)(e) read with Section 12, the Commission is mandated to investigate any gender-related issue on its own accord or on receipt of a complaint and shall endeavour to resolve same. The procedure to be followed in any investigation shall be determined by the Commission in terms of Section 12 of the CGE Act.

Furthermore, in terms of Section 12 of the CGE Act, the Commission is obliged to make known the procedure that it has determined by way of notice in the *Government Gazette*. Accordingly, the Commission sets out the procedure to be adopted in respect of investigations relating to gender discrimination in the CGE Complaints Manual.

3.3. Promotion of Equality and Prevention of Unfair Discrimination Act (Act No. 4 of 2000) (PEPUDA)

PEPUDA came into effect in 2000. This law prohibits gender-based discrimination and provides for remedies designed to protect any person who are subjected to discriminatory practices across the full spectrum of society including gender-based discrimination. PEPUDA was enacted as a result of section 9(4) of the Constitution which requires the state to pass legislation which promotes equality and prevent unfair discrimination.

PEPUDA therefore gives effect to section 9 of the Constitution and binds the State and all persons in South Africa. In that neither the State nor any person may unfairly discriminate against any person.¹ The act further places a responsibility to eradicate impediments that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such persons.²

PEPUDA therefore addresses systemic inequalities and unfair discrimination that manifest in institutions of society and the practices of South Africans insofar as they “undermine the aspirations of our constitutional democracy”.³ PEPUDA puts two responsibilities on persons that are operating in the public domain: to promote equality⁴ and on the social commitment for all persons to promote equality.

3.4. The Employment Equity Act (Act No. 55 of 1998)

The Employment Equity Act (EEA) effectively prohibits discrimination. The purpose of the act is to achieve equity in the workplace by promoting equal opportunities and fair treatment in employment through elimination of unfair discrimination and implementing measures to redress the disadvantages in the workplace.⁵ Section 60 of the EEA provides that if the employer fails to take the steps necessary to deal with unfair discrimination or sexual harassment and it is proven that an employee has contravened the relevant provisions, the employer must be deemed also to have contravened that provision (*Christian v Collers Properties* 2005 ,5 BLLR 479).

¹ Section 6 of PEPUDA.

² Section 7,8 and 9 of PEPUDA.

³ Preamble of PEPUDA.

⁴ Section 26 of PEPUDA states that it is the responsibility of any person directly or indirectly contracting with the state or exercising public power to promote equality by –

(a) adopting appropriate equality plans, codes, regulatory mechanisms and other appropriate measures for the effective promotion of equality in the spheres of their operation;

(b) enforcing and monitoring the enforcement of the equality plans, codes, regulatory mechanisms developed by them; and

(c) making regular reports to the relevant monitoring authorities or institutions as may be provided in regulations, where appropriate.

⁵ <https://www.saica.co.za/Technical/LegalandGovernance/Legislation/EmploymentEquityAct-No55of1998/tabid/3041/language/en-ZA/Default.aspx>.

3.5 Labour Relations Act (Act No. 66 of 1995)

The Labour Relations Act not only protects all parties in the workplace but also aims to promote economic growth, fair labour practices, peace, democracy and social development.

3.6 Basic Conditions of Employment Act (Act No. 75 of 1997)

Section 2 cites the purpose of the Act which is to advance economic development and social justice by way of giving effect to the right to fair labour practices, as referred to in Section 23 (1) of the Constitution.

The main objective of the Act is to ensure social justice by establishing the basic standards for employment regarding aspects that affect the employee-employer relationship, such as working hours, leave, remuneration, dismissal and dispute resolution. The act further aims to regulate the variation of basic conditions of employment.

3.7. Broad-based Economic Empowerment Act (Act No. 53 of 2003)

The objective of the Act is to facilitate broad-based black economic empowerment by promoting economic transformation to enable meaningful participation of black people in the economy; increasing the extent to which black women is involved in, and manage existing and new enterprises, and increasing their access to economic activities, infrastructure and skills-training.

3.8 Higher Education Amendment Act (Act No. 9 of 2016)

The Act gives the national minister greater powers to intervene in university matters and further the government higher education transformation plans. It makes universities more inclusive, without racial barriers of language and ensuring that universities are representative of the population; sensitive to gender and disability needs.

Regional and International Instruments

3.9. AU Agenda 2063

The vision of the African Union Agenda 2063 is a commitment to speed up actions to catalyse education and skills revolution, and actively promote science, technology, research and innovation, to build knowledge, human capital, capabilities and skills to drive innovations and the African century; and achieve gender parity in public and private institutions.

3.10. African Charter on the Rights and Welfare of the Child 1990

Article 11(3) (b) provides that member states to the present charter shall take all appropriate measures to achieve the full realisation of this right and shall, in particular, encourage the development of secondary education in its different forms and progressively make it free and accessible to all; and further make higher education accessible to all on the basis of capacity and ability to every appropriate means.

3.11. African Charter on Human and Peoples Rights 1981

Article 17 provides that every individual shall have the right to education; may freely take part in the cultural life of the community and promotion and that the protection of morals and traditional values recognised by the community shall be the duty of the state.

In terms of Article 25, states parties to the Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present charter and to see to it that these freedoms and rights, as well as corresponding obligations and duties are understood.

3.12. Protocol to the African Charter on Human and Peoples' Rights on Rights of Women in Africa 2002

Article 12 provides that member states shall take appropriate measures to eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training. Positive action shall be taken to promote literacy among women; promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology; and retention of girls promote the enrolment in schools and other training institutions and the organisation of programmes of women who leave school prematurely.

3.13. African Youth Charter 2006

Article 13 of the Charter provides that every person shall have the right to education of good quality. Value of multiple forms of education, including formal, non-formal, informal, distance learning and, or lifelong learning to meet the diverse needs of young people shall be embraced. Education of young people shall be directed at fostering respect for human rights and fundamental freedoms as set out in the provisions of the various African human people's rights and international human rights declarations and conventions; preparing young people for responsible lives in free societies that promote peace, understanding, tolerance, dialogue, mutual respect and friendship among all nations and across all grouping of people.

State parties shall take all appropriate measures with a view to achieving full realisation of this right and shall, in particular, provide free and compulsory education; take steps to encourage regular school attendance and reduce drop-out rates; strengthen participation in and the quality of training in science and technology; revitalise

vocational education and training relevant to current and prospective employment opportunities and expand access by developing centres in rural and remote areas; make higher education equally accessible to all, including establishing distance learning centres of excellence; ensure, where applicable, that girls and young women who become pregnant or get married before completing their education shall have the opportunity to continue their education; allocate resources to upgrade the quality of education delivered and ensure that it is relevant to the needs of contemporary society, and engenders critical thinking rather than rote learning; introduce scholarship and bursary programmes to encourage entry into post-primary school education and into higher education to outstanding learners from disadvantaged communities, especially young girls. State parties should also encourage learners to conduct research and enterprises in Africa should establish partnerships with training institutions to contribute to technology transfer for the benefit of African students and researchers.

In terms of Article 20, state parties shall take the following steps to promote and protect the morals and traditional values recognised by the community: eliminate all traditional practices that undermine the physical integrity and dignity of women; recognise and value beliefs and traditional practices that contribute to development; work with educational institutions, youth organisations, the media and other partners to raise awareness of and teach and inform young people about African culture, values and indigenous knowledge; introduce and intensify teaching in African languages in all forms of education as a means to accelerate economic, social, political and cultural development; promote inter-cultural awareness by organising exchange programmes between young people and youth organisations within and across states parties.

State parties undertake to promote widespread access to information and communication as a means for education, employment creation, interacting effectively with the world and building understanding, tolerance and appreciation of other youth cultures; help young people to use positive elements of globalisation such as science and technology and information and communication technology (ICT) to promote new cultural forms that link the past to the future.

3.14. Southern African Development Community (SADC) Protocol on Education and Training 1997

This protocol encourages member states to work in common pursuit of the objectives of the protocol towards the reduction and eventual elimination of constraints to better and freer access by citizens of member states, to good quality education and training opportunities within the region; promote policies for the creation of an enabling environment with appropriate incentives based on meritorious performance, for educated and trained persons to effectively apply and utilise their knowledge and skills for the general development of member states and the region.

3.15. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

In terms of Article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the South African government is obliged to take appropriate educational measures to ensure equality among men and women.

CEDAW General Recommendation 28 provides that the means adopted by states must address all aspects of their general obligations under the Convention to respect, promote and fulfil women's right to non-discrimination and to the enjoyment of equality with men. State parties must ensure that they promote equality of women through formulation and implementation of national plans of action and other relevant policies and programmes in line with the Beijing Declaration and Platform for Action, and through allocating adequate human and financial resources; developing and establishing valid indicators of the status of and progress in realising these human rights of women, and establish and maintain databases disaggregated by sex, and related to the specific provisions of the Convention.

3.16. Equal Remuneration Convention, 1951 (No. 100)

This convention provides that each member state must by means of appropriate methods in operation, determine rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

3.17. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

This Convention provides that each member state must undertake to declare and pursue a national policy aimed at designed to promote, by methods appropriate to national condition and practice, equal opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

3.18. International Labour Organisation, Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

This Convention obliges member states to ensure that there is compliance regarding the health and safety of countries. Specific emphasis is placed on the facilitation of national systems of health and safety in the various countries. This is aimed at providing good health and safety systems in the workplace.

3.19. International Convention on Economic, Social and Cultural Rights 1996

This Convention obliges member states to recognise the right of everyone to education. In terms of Article 13, state parties to the Convention agree that education shall be directed at the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms. Education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations (UN) for the maintenance of peace. Higher education shall be accessible to all, on the basis of capacity by every appropriate means, and in particular by the progressive introduction of free education.

Article 14 further provides that each state party to the present Covenant which, at the time of becoming a party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of principle of compulsory education free of charge for all.

3.20. Convention on the Rights of Persons with Disabilities 2006

This Convention obliges member states to recognise the rights of PWDs to education without discrimination and on the basis of equal opportunity. Article 24 provides that states must ensure an inclusive education system at all levels and lifelong learning directed to the full development of human potential and the sense of dignity and self-worth, and strengthening of respect for human rights, fundamental freedoms and human diversity; developing of PWDs of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; and enabling PWDs to participate effectively in a free society. In realising this right, state parties must ensure that PWDs are not excluded from general education because of their disabilities. State parties must ensure that PWDs receive the support required within the general education system, to facilitate effective education. State parties must further enable PWDs to learn life and social development skills to facilitate full and equal participation in education and as members of the community through appropriate measures, such as facilitating learning of braille, alternative script, augmentative and alternative modes, means of format of communication and orientation and mobility skills, and facilitating peer support and mentoring; learning of sign language and the promotion of the linguistic identity of the deaf community; ensuring that the education of persons and, in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximise academic and social development.

In order to ensure the realisation of the this right, state parties must take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and, or braille, and to train professionals and staff who work at all

levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

3.21. UNESCO Convention Against Discrimination in Education 1960

Article 3 of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) provides that in order to eliminate and prevent discrimination, state parties must undertake to abrogate any statutory provisions and administrative instructions and to discontinue any administrative practice which involve discrimination in education; ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions; and to not allow, in any form of assistance the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and the necessary permits and facilities for the pursuit of studies in foreign countries; not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group; to give foreign nationals resident within the territory the same access to education as that given to their own nationals. Article 4 obliges state parties to formulate, develop and apply national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and treatment in the matter of education and in particular to ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent; to provide training for the teaching profession without discrimination.

Article 5 further provides that member states of the Convention agree that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups, and shall further the activities of the UN for the maintenance of peace.

3.22. Beijing Platform for Action (BPA)

The Beijing Platform for Action (BPA) provides that the advancement of women and the achievement of equality between women and men are a matter of human rights. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic and environment security among all peoples. It requires governments, international communities and civil society, including non-governmental organisations and the private sector to take strategic action to address 12 critical areas of concern. These areas include, but are not limited to, an persistent and increasing burden of poverty on women; inequalities and inadequacies in and unequal access to education and training, health care and related services; violence against women; the burden of poverty on women; inequality between women and men in the sharing of power and decision-making at all levels; insufficient mechanisms at all levels to promote the advancement of women; lack of respect for and inadequate

promotion and protection of the human rights of women; stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media; gender inequalities in the management of natural resources and in the safeguarding of the environment and persistent discrimination against and violation of the rights of the girl child.

One critical area of action is education and training of women. It is seen as an essential tool for achieving the goals of equality, development and peace. That is, ensuring equal access to education; eradicate illiteracy among women; improve women's access to vocational training, science and technology, and continuing education; develop non-discriminatory education and training; allocate sufficient resources for and monitor the implementation of educational reforms and promote lifelong education and training.

3.23. Sustainable Development Goals (SDGs)

The Sustainable Development Goals (SDG's) adopted by all UN member states are part of Resolution 70/1 of the United Nations General Assembly, also known as "2030 Agenda". The goals cover social, economic and environmental development issues including: No poverty; Zero hunger; Good health and well-being for people; Quality education; Gender equality; Clean water and sanitation; Affordable and clean energy; Decent work and economic growth; Industry, innovation, and infrastructure; Reducing inequalities; Sustainable cities and communities; Responsible consumption and production; Climate action; Life below water; Life on land; Peace, justice and strong institutions; Partnerships for the goals.

Goal 4 relating to education aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. This includes enrolment and the provision of equal access to affordable vocational training to eliminate gender and wealth disparities; and achieve universal access to a quality education.

Goal 5 aims at achieving gender equality and empowers all women and girls. Its targets include ending all forms of discrimination and violence against women and girls, as well as the elimination of harmful practices and recognition and value of unpaid care and domestic work.

Other targets emphasise the importance of ensuring women's full and effective participation and equal opportunities for leadership, as well as universal access to sexual and reproductive health and reproductive rights.

3.24. International Convention on the Elimination of All Forms of Racial Discrimination

Article 5 provides that in compliance with the fundamental obligations laid down in Article 2 of this Convention, states parties undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: economic, social and cultural rights particularly

rights to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for work of equal value, just and favourable remuneration; right to form and join trade unions; right to housing; right to public health, medical care, social security and social services; right to education and training; right to equal participation in cultural activities; right to access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

4. University of Johannesburg

4.1. Background

The University of Johannesburg (UJ) comprises three campuses which is a result of the merger that happened in 2005. UJ is one of the universities selected to participate in the gender transformation hearings. UJ has transformed into a diverse and inclusive institution with a student population of over 50 000, of which more than 3 000 are international students from 80 countries.

4.2 Steps Taken by the Commission

The Commission dispatched a letter to UJ dated 13 June 2019, requesting a progress report on the implementation of the recommendations made. The request was in line with the gender transformation report on institutions of higher learning for the financial year 2017/2018, in which UJ participated. During the financial year 2019/2020, the Commission embarked on a consultative process with different institutions of higher learning inclusive of UJ.

The focus of the consultative process was to track progress on the implementation of the Commission's recommendations contained in the transformation report of 2017/2018 relating to institutions of higher learning.

The Commission issued a notice to appear to Professor Tshilidzi Marwala in his capacity as the Vice-Chancellor (VC) and Principal of UJ (Accounting Officer) to appear before the Commission on 27 November 2019 for a progress report on the implementation of the recommendations made to the university in the Commission's report of the 2017/2018 financial year. The report was shared with the university.

It is important to note that the progress report was shared in writing, the analysis of the information provided by the university, which will be indicative of either progress or regress will be discussed *below*.

4.3 Analysis of Information

The university provided disaggregated data according to race, gender and levels (academic versus support staff). The statistics provided reflects that 65 women participated in the UJ Women's Leadership Development Programme between the years 2016 and 2019. It is important to note is that women across all races are represented in the statistics.

The university further provided statistics in relation to the UJ Young Leaders Development Programme. This programme targets students in leadership positions (student representative council (SRC), house committee). In 2018–2019, 49 young female leaders participated. The table below shows disaggregated data in terms of race.

Table 1. UJ Young Leaders Development Programme 2018–2019

Cohorts	A	I	C	W	T
2018-Cohort	24	0	0	0	24
2019- Cohort	23	0	1	1	25

4.3.1 Women Representation at Professoriate Level 2018–2019

Table 2: Associate Professors

A	I	C	W	T
3	7	2	37	49

Table 3: Professors

A	I	C	W	T
2	4	1	37	44

The statistics as provided by the university and reflected in Table 2 and 3 above, show that whites are over-represented in all the categories.

It is very clear from the statistics that the university still has not achieved gender parity at the level of professors and associate professors (APs). The institution has put measures, such as the Accelerated Academic Mentoring Programme (AAMP), in place to facilitate the development of women academics to attain the level of associate and professorship positions.

4.3.2 Men Representation at Professoriate Level 2018 –2019

The statistics below shows a different picture in comparison to women. It remains of critical importance to find the real challenges or obstacles of women to get to positions of associate and full professors.

Table 4: 2018 Men Associate Professors

A	I	C	W	T
16	9	1	32	58

The analysis from the above statistics shows that whites are still over-represented, and the number of African men surpasses that of African women.

Table 5: Gender Representation of International Associate Professors and Professors

	Women	Men
Associate Professors	10	42
Professors	10	30
Total	20	72

With a total of 92 and it is clear from the statistics that men are over-represented as opposed to their women counterparts. The statistics also reflects a disjuncture when it comes to the number of international APs and professors, particularly in relation to African women and men in the professoriate positions.

4.3.3 University should Introduce KPA Targets for Departmental Heads in Recruiting PWDs

The university submitted that key performance area (KPA) targets in the performance contracts of departmental heads/executive include a section on compliance to the implementation of the Employment Equity Plan (EEP) and targets, of which PWDs forms part. Executives are further advised to include a standard KPA on recruitment of. It is important to highlight that if recruitment of PWDs forms part of the executives and/or heads of departments' KPAs this will ensure accountability by the executives.

Non-compliance with the prescribed targets will mean that the Executive concerned will not get the necessary incentives. However, the university must also avoid 'ticking boxes' to ensure compliance with the targets as provided in the EEP. It should be noted that the challenge of reporting on PWDs is the fact that staff prefer not to disclose their disability status.

The South African target for PWDs is 3% as per the White Paper. The target for UJ is 1.5% and currently the institution stands at 1.1%.

4.3.4 University was Commended on Diverse Management Team/Profile of Management Executive Committee (MEC) (2017 to 31 October 2019)

Table 1 below reflects the disaggregated data in terms of gender representation for the period 2017 to 2019. It shows that during the year 2017, representation was 50% women and 50% men. However, the situation changed from 2018 to August 2019. The university has nine MEC members with a 60/40 split between women and men. The university has five women and four men in the MEC.

Table 6: Management Executive Committee (2017 to 31 October 2019)

Gender	African	Coloured	Indian	White	Grand Total	African	Coloured	Indian	White
Women	1		1	1	3	33.33%	0.00%	33.33%	33.33%
Men	1	1		1	3	33.33%	33.33%	0.00%	33.33%
TOTAL 2017	2	1	1	2	6	33.33%	16.67%	16.67%	33.33%
Women	3		1	1	5	60.00%	0.00%	20.00%	20.00%
Men	1		1	2	4	25.00%	0.00%	25.00%	50.00%
TOTAL 2018	4	0	2	3	9	44.44%	0.00%	22.22%	33.33%
Women	3		1	1	5	60.00%	0.00%	20.00%	20.00%
Men	1		1	2	4	25.00%	0.00%	25.00%	50.00%
TOTAL 2019	4	0	2	3	9	44.44%	0.00%	22.22%	33.33%

4.3.5 Executive Leadership Group (2017 to 31 October 2019)

This category reflects a fair representation of all races with African women being over-represented. The university is doing well in achieving gender parity in senior management positions. Table 3 reflects disaggregated data on race and gender in support of the statement.

Table 7: Executive Leadership Group (2017 to 31 October 2019)

Gender	African	Coloured	Indian	White	International	Grand Total	African	Coloured	Indian	White	International
Women	4	2	1	3	1	11	36.36%	18.18%	9.09%	27.27%	9.09%
Men	3		1	6	1	11	27.27%	0.00%	9.09%	54.55%	9.09%
TOTAL 2017	7	2	2	9	2	22	31.82%	9.09%	9.09%	40.91%	9.09%
Women	6	2	1	3		12	50.00%	16.67%	8.33%	25.00%	0.00%
Men	3		1	6	1	11	27.27%	0.00%	9.09%	54.55%	9.09%
Total 2018	9	2	2	9	1	23	39.13%	8.70%	8.70%	39.13%	4.35%
Women	6	3	1	3		13	46.15%	23.08%	7.69%	23.08%	0.00%
Men	3		1	5	1	10	30.00%	0.00%	10.00%	50.00%	10.00%
Total 2019	9	3	2	8	1	23	39.13%	13.04%	8.07%	34.78%	4.35%

4.3.6 University to Address the Wage Gap in Race and Gender

The university submitted that it continues to appoint academic and support staff without taking race and gender into account. A standardised approach of making appointments at the minimum of the salary band is followed. In cases where an offer

higher than the minimum is necessitated, it is still made in line with the salary matrix of that band.

Limited current differences in salaries on the same Peromnes levels are attributed to historical reasons. In time, and linked to affordability, the university will migrate all employees from total guaranteed packages (TGP) to total cost to institution (TCTI), and these gaps will be closed.

The university submitted that to close the wage gap between the highest and lowest Peromnes levels, the university has implemented differentiated annual increases based on a sliding scale since 2015.

As a result, lower Peromnes levels have received higher increases than higher Peromnes.

Currently, the only exceptions are black designated chartered accountants (CAs) appointed as senior lectures; they are appointed at higher salaries than white CAs. Through this, allowances are paid to designated employees, including women who possess scarce, critical and specialised skills. This is therefore an attraction and retention mechanism.

4.3.7 Childcare Facilities

The university's submitted compliance with the recommendations of the CGE, by conducting an electronic survey among all employees with access to computers. This excluded a large group of employees, especially after service workers had been insourced during 2017/2018.

The survey indicated a need for a pre-school facility (ages 0–6) on campus. The university is liaising with day-care/crèche facilities near the campus for possible collaboration. The university provided the needs analysis report for the day-care facility to the Commission. It is clear from the report that the university has been engaging with the City of Johannesburg, including different key stakeholders, regarding legal and other requirements for establishing a childcare facility on campus(es). The university submitted that from these engagements it became evident that it is not feasible to establish childcare centres within its premises. This is also due to a lack of space within the institution.

However, guidelines have been developed by the university for schools in close proximity to the campuses to submit proposals. These are:

- Auckland Park Nursery School
- Melville Montessori Pre-Primary School
- Mimosa School
- Orban Pre-School and Primary School

The university indicated that proposal presentations from the above schools are expected to take place during January 2020.

4.3.8 University must Introduce Plan to Integrate Gender Focal Persons in Mentorship Programmes for Junior Academics

UJ addresses this through the following programmes, the AAMP, Assistant Lecturer Programme and the New Generation of Academics Programme (nGAP) Programme.

The purpose of the AAMP is to provide career development opportunities with the goal of giving stimulus to the transformation of the academic staff profile, in terms of race and gender, and to develop the next cohort of academic leaders. Since the launch of the AAMP in 2015, 126 participants have made significant progress in terms of promotions and completion of degrees.

The number of participants has stabilised, while new participants continue to request entry, particularly to Level 1 and Level 2. It must be noted that contrary to the purpose of AAMP, the university have had a few requests from non-designated staff, both academic and support. This report draws on 2019 participation figures with data drawn on 7 August 2019. There has been a total of 331 AAMP candidates over the three levels (Doctorate, Associate Professor and Professor) as at 7 August 2019.

The University highlighted the current level of participation in the AAMP level. In this programme, the candidates are academics which are studying towards their doctoral degree.

Table 8: shows the statistics of female participation in the programme in terms of race.

Table 8: 2019 Level 1 Breakdown in Race

Race	#	%
Black	76	52%
Coloured	11	8%
Indian	25	17%
White	29	20%
Foreign (African)	4	3%
Total	145	100%

The analysis of the information submitted by the university indicates that 14 Level 1 participants have progressed to Level 2 and one participant has progressed to Level 3. Candidates are able to move from Level 1 to Level 2 on achievement of their doctorate, without necessarily having been promoted. Thirty-one participants have completed and have been awarded doctorates, of which eight completed doctorates in 2019.

Ten AAMP Level 1 participants are currently in the submission phase of their PhDs.

The table below shows Level 2 candidates comprising academic staff with a doctorate seeking promotion either to SL or AP.

Table 9: 2019 Level 2 Breakdown in Race

Race	#	%
Black	50	41%
Coloured	10	12%
Indian	14	11%
White	37	30%
Foreign (African)	1	1%
Total	122	100%

The university submitted that in August 2019, two participants have moved to Level 3 based on promotion, and two participants have been promoted to SL. In 2017/18, thirty Level 2 participants moved to Level 3 based on promotions.

It is important to note in Table 5 above that the women participation in this programme from 2017–2019 has increased tremendously.

In 2017, the statistics reflects 53%, in 2018, 61.11% and in 2019 the statistics reflects 93% of women participation in the AAMP. The statistics is indicative of the work the university is doing in terms of empowering women, but that should also translate into women getting positions either as APs and/or full professors.

The table below deals with the statistics on Level 3 candidates comprising academic staff seeking promotion to professor.

The statistics reflects a decline in terms of female participation. In 2017, female participation at this level was 50%, in 2018, 43.62% and in 2019 it further decreased to 41.27%.

Table 10: 2018 Level 1 Breakdown in Race

Race	#	%
Black	21	33%
Coloured	1	2%
Indian	14	22%
Asian	2	3%
White	17	27%
Foreign (African)	6	10%
Foreign (International)	2	3%
Total	63	100%

In terms of the above statistics, the university reported that three African women have been promoted to full professors (August 2019) and ten were promoted to full professors in 2017/18. Success in terms of the AAMP is defined in terms of successful promotion applications and improvement of qualifications.

The university reported 95 promotions of AAMP candidates as at August 2019. During the three years and given the proportionately larger size of the Levels 1 and 2 cohorts, most promotions have been to SL/AP level. Ten from Level 3 have been promoted.

The following table denotes these promotions. With each promotion, candidates move levels.

Table 11: AAMP Promotions 2016–2019

Year	Designated (African Indians and coloureds C)	Other African Foreign	Non-Designate White SA	Other Foreign White	Women	Men	Total
2016	14	7	9	0	21	9	30
2017	15	6	8	1	16	14	30
2018	11	5	11	1	14	14	28
2019	3	0	3	1	4	3	7

The AAMP is succeeding in preparing and creating conditions for enabling the self-development of academics. Apart from AAMP initiatives, participants are specifically invited for sessions held by the Research Office, Postgraduate School and the Centre for Academic Staff Development. Writing retreats have been held successfully. In addition, specific sessions on the development of teaching portfolios have been held.

Numerous sessions on preparing candidates for National Research Foundation (NRF) rating have been held. Financial support is provided for teaching relief, conference attendance (nationally and internationally), assistance in completion of publications

and pursuit of international collaborations, especially in terms of research. Each application is closely screened by the coordinators of each level and is recommended by the heads of departments (HOD) and deans. A further layer of scrutiny occurs within divisions to ensure equitable distribution of resources, compliance with UJ policies and to maximise the benefits in terms of academic gains for the individual.

It is the Commission's observation that the AAMP programme is providing the desired results. The university reported that to date, four writing retreats and one teaching portfolio workshop have been conducted. Six workshops in collaboration with senior academics were conducted.

The university submitted that the AAMP guidelines have been updated and sent to participants quarterly to encourage participants to apply for funding. A link to the intranet with the required forms is available.

It is encouraging that continuous discussions are held with the coordinators to find ways of encouraging participation both from mentors and mentees.

Table 12: AAMP Budget Spent to Date

Budget per Level	Amount
Level 1	R 845 432, 37
Level 2	R 751 188, 83
Level 3	R 461 020,95

A total of 70 academics have been supported with AAMP funding. Some of the activities that are funded are inter alia writing retreats, workshops, conference attendance linked to clearly defined outputs; the list is not exhaustive.

Assistant Lecturer Programme

It is noted that besides the AAMP, the university also has an Assistant Lecturer Programme. It is an initiative to add stature to flagship departments, to accelerate the transformation of the academic cohort in terms of race, and to assist in departments with high enrolments and unfavorable staff/student ratios.

It is appreciated that the goal of the assistant lecturer is to gradually migrate into permanent positions, which will happen as and when positions become available as a result of retirements and resignations. The university submitted that 50 assistant lecturers were appointed in 2014 and 60 in 2015. From 2016 to 2018, 75 assistant lectures were appointed. They are appointed by means of a three-year contract at a fixed rate of R 250 000.00 (Two Hundred and Fifty Thousand Rand) per annum.

In July 2018, the MEC approved continuing funding for 75 assistant lecturer positions until 2024. Currently, 75 assistant lecturers have been appointed of which 80% are

designate candidates, and 64% women. At the end of December 2018, 59 assistant lecturers were still in the employ of the university.

Since the inception of the programme, 28 assistant lecturers have been appointed to full-time positions at UJ

Table 13: Total Expenditure for 2014–2018

Year	Total Number of Assistant Lecturers	Total Costs
2014	44	R 9 094 165,99
2015	58	R 12 499 999,44
2016	78	R 17 083 332,64
2017	95	R 16 749 999,08
2018	80	R 16 979 166,40

The table below reflects the university's current Assistant Lecturers profile per Faculty.

Table 14: Current Assistant Lecturer Profile per Faculty

Faculty	No. of Candidates	Designate (AIC) (see above)	% Designate (AIC)	Non-designate (White)	% Non-designate (White)	Foreign	% Foreign	Men	% Men	% Women	% Women
Education	8	7	88	0	0%	1	13%	3	38%	5	63%
Faculty of Art, Design and Architecture (FADA)	6	4	67	0	0%	2	33%	3	50%	5	83%
Faculty of Engineering and Built Environment (FEBE)	9	9	100%	0	0%	0	0%	2	22%	7	78%
Faculty of Health Sciences (FHS)	7	5	71%	1	14%	1	14%	3	43%	4	57%
Humanities	8	7	88%	0	0%	1	13%	3	38%	5	63%
Law	4	3	75%	1	25%	0	0%	1	25%	3	75%
College of Business and Economics (CBE)	24	17	71%	1	4%	6	25%	11	46%	15	63%
Science	9	8	89%	1	11%	0	0%	7	78%	4	44%
TOTAL	75	60	80%	4	5%	11	15%	33	44%	48	64%

The analysis of the statistics in the table above and the assertion of the university confirms that 80% of the assistant lecturers are black South Africa

nGAP Programme

The university submitted that this programme is a joint initiative with the Department of Higher Education and Training (DHET).

In terms of the statistics provided by the university and upon analysis of same, it becomes apparent that the total number of people who have participated in the programme are twenty-three in total. The disaggregated data in terms of gender reflects seven men and sixteen women and which automatically means that women are over-represented as opposed to their counterparts. It is important to note that all twenty-three that participated in the programme were appointed. Their appointment was from 2016–2019. The appointments spread across all faculties and various departments of the university. Furthermore, the nGAP programme has different phases of application and therefore all the appointments mentioned above are also across various phases of application. Some of the faculties include humanities, law, science, health sciences, etc. The list is not exhaustive.

Departments include among others Chemical Engineering Technology, Radiography, Civil Engineering Science, Town and Regional Planning and Mining.

4.3.9 Key Issues on Presentation by UJ

UJ was represented by its Vice-Chancellor (VC) and Principal, Prof Tshilidzi Marwala and a delegation including the Chief Operations Officer, Professor Andre Swart.

The university comprises three campuses following a merger in 2005. The university has taken great strides to rewrite the legacy of their erstwhile institutions to become "a diverse, inclusive, transforming, collegial and model post-apartheid democracy university".

UJ focussed on the scourge of gender-based violence (GBV) in the context of the country and campuses. The need for funds, capacity and psycho-therapy support to the victims of violence was emphasised. The university has a psycho-care unit. *It is important that students feel safe to approach and engage with staff members should they choose to get psycho-care.* The safety of students is a key priority for the university, particularly for students who stay outside the campus. To ensure the safety of students a security company has been employed to around and outside the campus. There are security cameras at the university, and some are linked to the Johannesburg Metropolitan Police Department (JMPD). This is a proactive measure to ensure the safety of students and staff members and swift action by JMPD who monitors the cameras.

4.3.10 Decolonisation Project

The university highlighted the importance of the Charter on Decolonisation and the 4th Industrial Revolution.

Decolonisation has been identified as one of the main themes in the UJ Transformation Plan (TP) (2016–2021) – **Teaching, Learning and Knowledge Production** – Colonialism,

Curriculum Reform and Mode of Delivery.

In June 2017, a Charter on Decolonisation: Purpose, Principles, and Practice was approved. Some of the key drivers of the charter are the following:

- Views decolonisation as a holistic and interactive process that requires the participation of all university stakeholders: government, council, managers, academics, students, support staff, alumni, communities, and business.
- Understands decolonisation as an ongoing and sustainable process that provides an education that liberates the minds of students and academics, and transforms the university environment, as reflected in its people, structures, processes, governance and leadership.
- Envisions, through decolonisation, more just, free societies that value a shared humanity and aims to be dynamic and sure-footed in responding to an ever-changing social, political and economic environment.

The university further submitted that as part of its efforts to contribute to the decolonisation of the curriculum, the Institute for Pan-African Thought and Conversation (IPATC) teaches Honours courses on Conflict Resolution in Africa and Pan-African Thought and Leadership in collaboration with the Politics and International Relations, and History Departments. IPATC's teaching flows from its research.

Both courses are based on decolonised syllabus that prominently reflect authors from Africa and its diaspora (including prominent female scholars) without neglecting other important canons. Both courses are taught by IPATC staff, as well as other UJ academics and colleagues from Wits and Tshwane University of Technology (TUT).

Topics on the Pan-African Thought course include: The Roots of Pan-African Thought; Contemporary Pan-African Political Economy; and Political, Economic, and Cultural Dimensions of Pan-Africanism. Topics on the Conflict Resolution in Africa course include: Africa after the Cold War; Peacebuilding in Africa; UN Peacekeeping in Africa; and Gender, Civil Society, and Conflict.

4.3.11 Representation of Women Deans

- Five
- Three from designated groups
- Four whites acting

The university submitted that it has amended its recruitment policy to include selection panel members in line with specialisation.

A gender focal staff member is tasked to investigate issues affecting the lesbian, gay, bisexual, transsexual, intersex, queer/questioning, intersex asexual and other (LGBTIQA+) inclusive of cases of harassment. The staff member is located in the transformation unit within the university.

4.4 Findings

- The university is making progress in terms of the implementation of the Commission's recommendations.
- The AAMP programme is achieving the desired results but more can still be done.
- The Commission commended the Assistant Lecturer programme which accommodates 80 % black South Africans.
- The university has 1.1 % PWDs, which is less than the number prescribed by law.
- White males and females are over-represented at the level of associate professor and full professors.
- In 2018, the MEC gender disaggregation was five women across all races as opposed to their male counterparts of four across all races. The statistics for 2019 remained the same as in 2018, 60% women and 40% male representation.

4.5 Recommendations

- The university to submit decolonisation charter.
- The university to submit some of the lectures on decolonisation for the Commission to establish if it is gender-sensitive.
- The university to submit disaggregated data in terms of race, gender and disability of chartered accountants that are on a higher salary band by 30 April 2020.

5. University of the Free State

5.1 Background

The University of the Free State (UFS) is a multi-campus university, with its Main and South Campuses situated in Bloemfontein and a third campus situated in Phuthaditjhaba. UFS previously participated in the 2017/18 gender transformation hearings hosted by the Commission and formed part of the follow-up hearings in 2019/20 to report on compliance and/or progress on recommendations made by the Commission previously.

5.2 Steps Taken by the Commission

The Commission dispatched a letter to the UFS VC dated 13 June 2019 requesting a progress report on the implementation of the recommendations made during the 2017/18 gender transformation hearings. The request was aimed at tracking progress of the UFS on the implementation of the Commission's recommendations contained in the transformation report of 2017/2018 relating to institutions of higher learning.

Following analysis of information received from UFS the Commission issued a notice to appear to Professor Francis Petersen in his capacity as the VC and accounting officer of the institution to appear before the Commission on 27 November 2019 to submit a progress report on the implementation of the recommendations made to the university in the Commission's report of 2017/2018, which was shared with the university.

5.3 Analysis of Information

Information discussed in the paragraphs below relates to the analysis on the responses received from the UFS in relation to its progress made on recommendations by the Commission.

- a) **The Commission recommended that there be an increase in human and financial resources budgeted towards gender transformation, women's issues and people with disabilities.**

The Council of the UFS approved the establishment of a Unit for Institutional Change and Social Justice in March 2019. The institution stated that in order to prevent victims of sexual abuse being subjected to secondary victimisation, clear systems were put in place to address such complaints effectively.

An Office for Gender Equality and Anti-Discrimination (Anti-Discrimination Office), as well as an Office for Institutional Change was established under this new unit. It was submitted that the mandate of the Anti-Discrimination Office is twofold; primarily, to receive, process and monitor incidents involving any form of unfair discrimination

and GBV, and secondly, to provide advocacy and training in anti-discrimination and gender equality, as well as to conduct awareness sessions.

It was confirmed by the institution that a budget allocation of R8.2 million was awarded for this offices' operational functions, such as training programmes and does not include remuneration of staff.

Gender offices were established at all three campuses with a senior officer stationed at each office. The institution confirmed that it has appointed a director with both a legal and human rights background who is reporting to the Deputy Vice-Rector: Institutional Change, Student Affairs and Community Engagement for daily operations. A further two gender practitioners were appointed for both the South and Phuthaditjhaba Campuses. The Anti-Discrimination Office will further be resourced with an additional Deputy Director post and three senior positions in 2020.

The Anti-Discrimination Office aims to not only raise awareness of gender-related matters, but also to coordinate the (SART) ⁶ who is directly involved with on-campus investigations. This effort by the UFS is commendable as this will contribute to and strengthen the trust of survivors in the system.

The gender office is also required to analyse data to track incidents against institutional culture and report to the Rectorate on all incidents of discrimination, misconduct and assault. Remedies available for redress to the Anti-Discrimination Office, should its recommendation not be considered, will be through the office the Vice-Rector: Institutional Change, Student Affairs and Community Engagement, through the Office for Gender Equality and Anti-Discrimination.

The impact of the Anti-Discrimination Office seems to only be measurable once it is fully staffed and operational. It should further be recorded that no guiding documents regarding timelines in which this office deals with cases, if any, were available to the Commission.

The institution presented that through the work being done in the cross-functional work streams of the integrated TP, the Centre for Universal Access and Disability Support (CUADS), which already receives an annual allocation, will make recommendations regarding increases in budgets for human and financial resources.

This is based on the requirements stipulated in the White Paper 2016, and the Strategic Policy Framework on Disability in the Post-Education and Training Sector 2018:

- Budget for Reasonable Accommodation Panel upon approval of Universal Access and Disability Support Policy for Students with Disabilities to purchase

⁶ Sexual Assault Response Team (SART). The team consists of at least one sexual assault survivor advocate and experts in the following: law, gender and human rights. The team liaises with the investigating officer from Campus Protection Services, who arranges medical and testing support and psychological counselling and contacts the SAPS for immediate protection orders or criminal investigation, liaises with the HRA for the alternative placing of the survivor and the office of the Dean of Student Affairs where matters concern students, as well as the Directorate for Student Discipline and Mediation (DSDM) for the disciplinary procedures. (Response letter dated 22 January 2020.)

assistive devices, provide human support, and any accommodation(s) students might need to be provided an equal opportunity.

- Disability Sport upon approval of the Sport Strategy (including Disability Sport).
- Investigating the best option available in software to support the E-Learning platform (Blackboard) to assist lecturers to provide accessible material and students to access different formats of material.

Budget was allocated to the Facilities Management Directorate that has embarked on a project that is making the walkways more accessible and user-friendly for visually impaired persons. No indication was given as to when this project will commence and/or finalised.

On face value the response from the university appears to be proactive, specifically regarding PWDs.

b) Gender sensitisation workshops to be conducted which should include security guards. This project should be rolled out across the three campuses.

The UFS indicated that the Human Resources (HR) Department provides diversity and inclusion training on a monthly basis. This includes gender sensitisation. No attendance registers were provided to determine statistics. It is also not clear if the gender sensitisation training includes information relating to LGBTIQ+ persons.

According to the response received all newly appointed staff members are required to attend the diversity and inclusion training. The Employment Relations Management Unit also provides training to line managers which includes how to address gender issues.

Although it was stated that sensitisation workshops for staff from Campus Protection Services are currently underway, no timeline for commencement and/or finalisation was provided.

The Anti-Discrimination Office has a gender sensitisation programme in which volunteers are being trained to assist in facilitating workshops to students in residences, including off-campus students.

The UFS however indicated that it has a tracking system in place to determine the number of students trained. Although this initiative was commended by the Commission, the actual impact of the training was yet to be determined.

The need for more awareness on similar issues at the university as an institution of higher learning is acknowledged and a commitment was made that numerous advocacies, awareness and training programmes will be conducted at all three campuses that will empower staff and students to challenge and fight GBV.

The following programmes are developed and presented by the Unit for Institutional Change and Social Justice. The presentations are aligned with current issues, reliable institutional data, research and policy developments, followed by an open discussion and question and answer session:⁷

- **Gender and Sexual Equity** addresses matters involving GBV, sexual harassment and sexual misconduct.
- **Consent and Sexual Socialisation** concerns issues regarding sexual practice and relationality.
- **Working with Trans and Gender Non-Conforming People** provides information and ethical insight into matters of gender and sexual equity and practice.
- **Anti-Discrimination Sensitisation** focuses on incidents, such as racism, xenophobia and Afrophobia.
- **Embracing Cultural Competency** is directed at clarifying and welcoming cultural difference and cultural practice in diverse spaces.
- **Social Cohesion through Social Justice** addresses how one may particularly engage social justice to social cohesion in a diverse learning environment.
- **Living Constitutional Values** explore the grounding principles of the Constitution and how it may find expression as a living document in university life.
- Guidelines to operationalise the **Right to Protest** at the UFS.
- **Research Projects**
 - **Gender and Sexual Equity in Higher Education** is a projected long-term research project in partnership with the Centre for Gender and Africa Studies and will result in an international research colloquium, to be held every two years.
 - **A Framework for Advocacy** encompasses approaching education for critical consciousness as a bridge to relationality between pedagogies of cruelty towards a praxis of care.

c) The UFS 101 programme must be reviewed so that gender, gender equality and gender transformation are integral parts thereof.

Currently, gender equality is not directly addressed in UFS 101 as a topic. However, gender equality is modelled in the composition of the teams and teaching assistant appointments. UFS indicated that teaching assistants are trained in ways to effectively facilitate learning in diverse environments and to create independent learning.

This is due to the size of UFS 101 (9 200 students) and what is needed to facilitate learning at such scale, its strategic focus, as well as first years' appetite and in some cases ability to engage in deeper conversation on such an important topic.

⁷ Information obtained from UFS in a response Letter dated 22 January 2020.

The UFS however confirms that gender equality is addressed in other platforms such as the Gateway Programme that introduces all first-year students to gender equality and anti-discrimination literature and policies.

d) UFS should utilise targeted recruitment pertaining to employing people with disabilities.

Responses received are as follows:

CUADS and the Office of the Association for Persons with Disabilities in Bloemfontein receives all advertisements for vacant positions at the UFS in order to assist with identifying and recruiting suitable candidates or students. The Office of the Association for PWDs were previously contacted to assist with targeted recruitment but had no suitable candidates at that time. It is still suggested that the scope be broadened in terms of area, to also include surrounding towns which are not within the Free State.

If no suitable candidates are immediately available, UFS will be informed should such candidates become available.

Information sessions are conducted at the different departments to sensitise staff members about individuals with disabilities. This was done to inform staff that PWDs must be recruited (also targeted recruitment) and accepted into the workplace and to enhance the employment equity targets for individuals with disabilities. A practice note in terms hereof was provided.

e) The racial and gender composition of the Senate had to be reviewed urgently as it may be one of the biggest hindrances to transformation at UFS.

The UFS increased the size of the Senate to approximately 200 members, including ex officio membership.

Of this figure, the number of full professors were reduced to 60% of the total membership and the remaining 40 % were distributed among other groups of academics (following the principle of election and nomination) and a larger number of students.

The racial composition of the Senate changed from 89% white and 11% black in 2016 to 72% white and 28% black in 2019. The gender composition changed from 81% men and 19% women in 2016 to 70% male and 30% women in 2019.

The university indicated that in order to change the entire composition of the Senate the statute governing this should be amended accordingly.

Considering the above, the university showed improvement regarding the composition of the Senate in ensuring more women representation. It is further commendable that more students are involved in the Senate providing for a wider range in representation.

5.4. Hearing/Information Supplied during Hearing

The Commission raised its concern about the state of accommodation in and around the QwaQwa Campus. Access to water was still a major concern as students are required to buy water. The unavailability of a water supply to the community was emphasised in recent media reports when a total shutdown was announced to commence on 21 January 2020 in Phuthaditjhaba and surrounding areas in QwaQwa. The Fika Patso dam which provides over 80% of the water to QwaQwa, dropped to a mere 10% which was reported as not safe for drinking by the Department of Water and Sanitation (DWS)⁸. Following the depletion of the last 10% local residents were prompted to fetch water from streams and rivers. Water tanks that were dispatched by the municipality could not reach all the areas and residents subsequently coordinated a total shutdown in retaliation.⁹

It was subsequently requested that the university should provide information on whether there has been budget allocation for water challenges, on and off-campus, since this was an ongoing challenge for students and residents in and around the area. In response the university cited that concern around water was mainly the responsibility of the local municipality, which is said to fail in its duty to deliver on this service to the community. The UFS is however applauded for its attempts to alleviate the burden of adequate water to students. Water tanks were procured and in 2016, three boreholes were successfully drilled on the border of the campus. The university linked poor electricity supply as a further challenge to the water dilemma as this affects the functionality of boreholes. Although this matter was addressed by the development of a solar farm to augment the supply of electricity through the use of generators, the greater impact on the university relates to financial sustainability thereof.

Regarding off-campus housing, the UFS reported that on 1 September 2019, an officer was appointed at the Qwaqwa Campus to manage accreditation. This function includes among others, application, verification and accreditation processes of UFS, based on the norms and standards of the DHET. The process posed several challenges as no adequate student housing facilities meeting the requirements were built thus far, however it was stated that potential developers showed interest in this project.

Current statistics of accommodation over the three campuses are as follows:¹⁰

Campus	Number of Beds	Women	Men	Black	Coloured	Indian	White
Bloemfontein	4199	2517	1578	3363	448	40	229
QwaQwa	1266	662	517	1172	4	1	0
South	777	218	277	475	20	0	0

There were 54 students with disabilities in residences across the three campuses.

⁸ Department of Water and Sanitation.

⁹ <https://www.sowetanlive.co.za/news/south-africa/2020-01-23-qwaqwa-shutdown-lifted-after-meeting-with-three-levels-of-government/> Accessed on 27 January 2020.

¹⁰ Table as per the UFS response letter dated 22 January 2020.

The university pro-actively addressed LGBTIQ+ students in research initiated by the Housing Residence Affairs (HRA). A proposal was submitted to several stakeholders for discussions with a view to final approval by the Rectorate in 2020 and with implementation in 2021.

The proposal will entail¹¹:

- the identification of residences for LGBTIQ+
- consultations with identified key individuals (e.g. Jessica Lynn from the Kinsey Institute, who is a transgender woman)
- consultations with staff (postgraduate residence heads, the Unit for Institutional Change and Social Justice, etc.) and students (residents, SRC, etc.) on LGBTIQ+
- an application form for LGBTIQ+;
- frequently asked questions

Policies Addressing Prejudicial Behaviour

UFS submitted that it has a Sexual Harassment, Sexual Misconduct and Sexual Violence Policy, as well as an Anti-Discrimination, Promotion of Equality, and Social Justice Policy and Procedures in place. The institution however appreciates the fact that matters relating to the various forms of discrimination requires discretion.

The Commission welcomes the effort by UFS to structure an impact-measuring mechanism to evaluate implementation and impact of policies. In addition, a dedicated official in the Anti-Discrimination Office will be appointed to for this purpose.

MOU with SAPS

It was submitted that there is currently no memorandum of understanding (MOU) is in place, however UFS is represented on the Community Police Forum (CPF) committees responsible for the Main and South Campus areas. Joint crime awareness sessions are held in collaboration with the South African Police Service (SAPS), protection services, CPF members and armed response security companies operating in the area. An Off-campus Security Liaison Officer was appointed in May 2019 to formalise co-operation with the relevant partners in crime reduction and response initiatives.

In terms of the QwaQwa Campus it was noted with great concern that services such as community policing forums, sector policing and armed response security companies operating in the area are not available. It was further stated that alleged disrespect by students towards SAPS members further contributed to the lack of assistance. The issue was however escalated to SAPS senior management which resulted in an improvement in the situation. In addition, the appointment of a dedicated Investigating Officer at the campus from 1 July 2019 contributed positively to the improved status.

¹¹ As per the UFS response letter dated 22 January 2020.

These arrangements will be formalised in 2020. Due to the crime in the area, the UFS confirmed that it is in the process of appointing and deploying a dedicated armed response service to assist in responding to reported incidents during identified hotspot time frames.

Presentation by UFS and Discussions

The UFS noted that the hearings with the Commission in 2017 were critical and much needed. Recommendations were received in December 2017 and the university worked on realising and implementing the recommendations.

5.5 Findings

- The Commission raised its concern regarding accommodation in and around the QwaQwa Campus. Reference was made by the university of outsourced private contracts to assist with housing of students around the campus. The Commission found that access to water was still a major concern as students are required to buy water. The distance that some students have to travel by foot was also a major concern considering the worrying high crime statistics in the Phuthaditjhaba area which directly impact on the safety of students.
- The Commission found that there is still a valid concern relating to the LGBTIQ+ community with specific focus on accommodation for these students. Specific reference was made to a case relating to a transgender woman who had to leave the Bloemfontein Campus in 2017 after being placed in a male residence by the housing committee. The student had to wait six months for transferring transcripts from UFS when she decided to further her studies at another institution.

5.6 Recommendations

- The Commission requested the university to provide information whether there has been a budget allocation for water, on and off-campus, since this was still proving to be a challenge for students.
- The university was requested to submit statistics regarding student accommodation on race, gender and disability of all residences at all three campuses. The university was also requested to fast track the process of providing residences off-campus.
- The university was requested to submit policies that addresses prejudicial behaviour against the LGBTIQ+ community, racism and disability.
- The university is to provide the Commission with the framework for the Anti-Discrimination Office and the autonomy of the office.

5.7 Conclusion

The UFS showed improvements in certain areas which complements the recommendations by the Commission. There is still a lot more to be done and lacking proper time frames, statistical data and alike, it becomes difficult to conclusively state that total gender transformation is on track. The UFS response lacks information pertaining to gender transformation with specific reference to the LGBTIQ+ community, as well as on improvement on the appointment and/or development of females.

6. Stellenbosch University

6.1 Background

During the 2017/2018 financial year, SU was one of the universities identified by the Commission in which to address issues of transformation. Six recommendations were made by the Commission:

- Gender diversity and equality forming part of student orientation and staff induction.
- Address gender and racial pay gap.
- Adequate budgeting for gender transformation programmes.
- A gender focus in the recruitment, mentoring and retention of academic staff to curb high turnovers. This is linked to ensuring a conducive work environment where female staff can thrive.
- Gender representation in decision-making bodies such as the University Council.

In addressing these challenges, the Commission dispatched correspondence to SU requesting an update on the implementation of these recommendations. SU responded, but it was resolved that SU should still appear before the Commission on 27 November 2019.

6.2 Steps Taken by the Commission

In ensuring that there was compliance with the recommendations that were previously made by the Commission, the Commission requested SU in a letter dated 21 June 2019 to provide progress in relation to the implementation of the recommendations that were made during the previous hearings. Below is a summary of what was captured in SU's response on 15 August 2019.

6.3 Analysis of Information

6.3.1 Gender diversity and equality to form part of the student and staff orientation.

SU indicated that it has established an Employment Equity Office, Transformation Unit and Equality Unit to jointly conduct gender diversity and equality orientation and training programmes for both staff and students.

Further to this information, SU furnished the Commission with a copy of the gender non-violence status report, the working agreement between SU Transformation Office and the Equality Unit.

SU submitted that employment equity and diversity form part of the orientation programme, and an induction is conducted among when new recruits start. Ongoing enhancement of race and gender sensitivity have been implemented through internal workshops (Siyakhula). The programme aims to equip staff to model, guide and support equity strategies, inclusion and staff well-being. The capacity development programme focusses on three of the competencies namely, sociocultural awareness, intergroup engagement and social innovation and design thinking.

SU has a programme of New Generation of Academics Programme (nGAP) with a total of 22 nGAP positions which comprises of three African women, four coloured women, five African men, and five coloured men.

6.3.2 Address the gender and racial pay gap.

SU indicated that the biggest pay gaps occurred at Levels 3–5 in both the academic and PASS environment. It was submitted that the gap has been closed, and that SU will remain vigilant to this challenge.

Human resources development (HRD) through the Human Resources Committee of Council was requested to compare remuneration (cost to company) of senior women employees to that of male employees. Further provision was made in relation to methods employed in dealing with the gender-based remuneration structure.

6.3.3 SU must allocate a budget for gender transformation programmes.

The SU Equality Unit has allocated several budgets to gender-related programmes. Below is a breakdown of what has been allocated:

Gender non-violence remuneration cost of R 1 324 350.00 and more than or approximately ±R 150 000.00 for implementation for the period 2018 to 2020.

The SU indicated that there is currently no budget allocated for staff in gender transformation programmes. SU has however embarked on equity workshops with the Transformation Office investing in the Siyakhula Programme.

6.3.4 University must adopt a gender-focused recruitment, mentoring and retention of academic staff.

It has been submitted that SU is committed to eradicating any unfair treatment of staff members based on among others gender, race and post level. The Human Resources Committee and the Women's Forum of Council which have been established played pivotal roles in addressing continuous challenges. These included:

- issues of salary discrepancies between women and men;
- non-uniformity in promotion and appointment criteria in academic environments;
- leave provisions among staff members;

- staff diversity;
- training and development opportunities for senior management.

SU has developed an EEP approved by the Department of Labour in June 2018. SU established an Employment Equity Committee, to continually monitor progress on the implementation of the EEP. A mentoring programme was established by SU to ensure compliance with this stipulation.

In support of institutional employment equity and diversity imperatives, the following have been envisaged in relation to the Gender Advocacy Project (GAP):

- Developing a succession plan for women in academia towards leadership positions.
- Developing conscious-career strategies for women in non-academic/support services.
- Positioning women's wellness to enhance performance and excellence.

6.3.5 SU must have significant gender representation in decision-making bodies such as Council.

SU tabled data on women representation in its various structures. With regard to the Council, progress has been made to ensure that women are represented, but there is still a significant gap in ratios between men and women representation. There is still predominantly more men than women representation. Tables below:

SU Council (2013–2019)

	2019	2018	2017	2016	2015	2014	2013
Indian Men	0	0	0	0	1	1	0
Indian Women	1	0	0	0	0	0	0
Coloured Men	7	7	5	5	5	4	4
Coloured Women	0	1	1	0	0	0	1
Black Men	0	1	2	0	0	0	0
Black Women	4	2	2	2	2	1	0
White Men	14	15	14	20	20	20	20
White Women	4	4	4	2	1	2	1
Total Men	21	23	21	25	26	25	24
Total Women	9	7	7	4	3	3	2
Total Members	30	30	28	29	29	28	26

SU Senate

Indian Men	Indian Women	Coloured Men	Coloured Women	Black Men	Black Women	White Men	White Women	Total Men	Total Women	Total Members
11	3	21	14	15	5	204	84	251	106	357

Student Representative Council

Indian Men	Indian Women	Coloured Men	Coloured Women	Black Men	Black Women	White Men	White Women	Total Men	Total Women	Total Members
0	0	3	0	2	2	4	4	9	6	15

Executive Committee of Convocation

Indian Men	Indian Women	Coloured Men	Coloured Women	Black Men	Black Women	White Men	White Women	Total Men	Total Women	Total Members
0	0	1	0	0	0	3	1	4	1	5

Institutional Forum

Indian Men	Indian Women	Coloured Men	Coloured Women	Black Men	Black Women	White Men	White Women	Total Men	Total Women	Total Members
0	1	7	0	4	1	11	8	22	10	32

Rectorate (August 2019)

Indian Men	Indian Women	Coloured Men	Coloured Women	Black Men	Black Women	White Men	White Women	Total Men	Total Women	Total Members
0	0	2	0	0	0	4	2	6	2	8

The Institutional Transformation Committee

Indian Men	Indian Women	Coloured Men	Coloured Women	Black Men	Black Women	White Men	White Women	Total Men	Total Women	Total Members
1	1	5	6	5	1	4	3	5	11	26

During the hearing of 27 November 2019, the Commission welcomed the presentation, but still expressed that there has been a slow pace in relation to transformation, and that further information would need to be submitted to the Commission for further analysis.

6.4 Information Post-Hearing

The Commission requested the university to provide data on student and staff disabilities. In relation to students, the following data were captured:

Undergraduate	Women	Men	Total
	151	132	283

Students enrolments by disability (Table reflects the total numbers of the reported undergraduate students with disabilities).

Postgraduate	Women	Men	Total
	62	78	140

Students enrolments by disability (Table reflects the total numbers of the reported postgraduate students with disabilities).

Academic and Job-Level Grouping	Women	Men	Total
Academic	5	7	12
04 – 6 Senior		4	4
07 – 9 Middle	5	3	8
Other Africa	14	11	25
04 – 6 Senior	2		2
07 -9 Middle	1	4	5
10 – 12 Junior	8	4	12
13 – 19 Other	2	1	3
Unknown	1	2	3
Grand Total	19	18	37

Staff disability data (Table extracted from student and staff data – Loumarie Kistner, Stellenbosch University).

It is noted that there is not a fair representation of PWDs in many of the structures, especially in management positions. The university employs a high number of employees, yet representation of PWDs is much lower.

6.4.1 Code for Management Practices for EE

SU has effectively developed a Code for Management Practices aimed at redressing transformation in the country. The code aims to give effect to those previously disadvantaged, as well as members of the LGBTIQ+ community.¹² The code makes provision for the appointment of prospective employees. In terms of the advertising

¹² Page 2 of the Code for Management Practices for EE (17 September 2019).

processes, the code stipulates that a brief statement outlining the university's EE policy.¹³ The following formulations may be used:

- The university is committed to Employment Equity (EE) and appointments will be made in line with the employment equity plan and specific environment, as well as SU's institutional employment equity plan.
- SU is committed to employment equity. In accordance with the SU's institutional employment equity plan and that for the specific environment, only South African citizens from designated groups will be considered for appointment.¹⁴

In terms of EE targets and objectives, the code provides that in post levels where diversity is insufficient, candidates who contribute to raising diversity will be given preference.

The succession code makes provision for succession plans in instances where vacancies that will leave the university vulnerable need to be identified. It was highlighted that the succession plan must be in line with the EE plan and focus on SU's long-term strategic requirements. SU, in line with its internalisation strategy, aims to be globally recognised. Therefore, SU has made provision for acquiring skills from non-South African citizens to achieve this. It was noted that in terms of the EEA, non-South Africans will not form part of the designated groups, but SU will make provision for a separate report that will be submitted to the Department of Labour.

6.4.2 Employment Equity Plan

Although the EEP has been approved, challenges in EE remain. Challenges are in relation to remuneration and benefits and that there are no guidelines on equal pay for work of equal value. There is also no clear policy on differentiated remuneration, with benefits of women staff members not always on par with that of men.¹⁵

Further to this, with the projected targets of the EEP, it was noted that men would still be predominantly occupying the senior positions as opposed to women. However, even in junior positions, where women are primarily seen, it has been noted that the majority of women is white as opposed to Africans. The average staff composition is 8 624, and it has been noted that from that average, only about 32 are the numerical targets for people with disabilities.

SU should however be applauded for the inclusion of a Vice-Rector: Social Impact, Transformation and Personnel (VRSITP). It has been noted that the duties of the VRSITP is to monitor the implementation of the EE targets, and further appointments as indicated in the SU TP

6.4.3 Transformation Plan

SU developed a TP in 2017 to ensure that transformation takes place. One of the main objectives of the TP is to offer a historic and national context for transformation in

¹³ Page 3 of the Code for Management Practices for EE (17 September 2019).

¹⁴ Page 3 and 4 of the Code for Management Practices for EE (17 September 2019).

¹⁵ Page 10 SU EE Plan.

higher education and its alignments with national aspirations.¹⁶ Aimed at ensuring transformation this dedicated plan has set processes, practices and performance targets. It sets themes and indicator targets regarding progress in realising transformation. The TP plan has further identified key transformation policies, these include:

- Employment Equity Policy
- Employment Equity Plan
- Discrimination and Harassment Policy
- Language Policy
- Admissions Policy
- Residence Placement Policy
- Transformative Student Funding Model
- Social Impact Policy
- Teaching and Learning Policy
- Research Policy
- Human Resources Policies
- Procurement Policies and Procedures
- Code for Student Discipline
- Statute of the University
- Code of Conduct for Staff
- Code of Conduct for Members of Council
- Protocol Dialogue on Campus
- Protocol for Constructive Protest
- Institutional Human Immunodeficiency Virus (HIV) Policy
- Policy regarding Students with Special Learning Needs or Disabilities.¹⁷

SU further provided a report to the DHET which dealt with transformation at the SU.

SU conducted further meetings with the Employment Equity Advisory Committee (EEAC). Transformation remains one of the key priorities of the university and EECA is to work closely with the transformation office to ensure progress in reaching targets. There has further been discussions on EEAC interrogating policies and guidelines and further investigations regarding irregularities of filling positions.

¹⁶ Item 2, Stellenbosch University Transformation Plan.

¹⁷ Stellenbosch University Transformation Plan, page 11–12.

6.4.4 Resident Placement Policy

The SU Resident Placement Policy Clause 5.15 provides the criteria of placement in a Listening, Learning and Living (LLL) house.

1.15 Placement in all houses takes places as follows:

5.15.1. The diversity profile for each LLL plays a decisive role. Applicants are thus placed according to the diversity needs of particular LLL house. The diversity profile includes the following categories: gender, ethnicity, language preference, faculty, national or international student, and economic class (first generation or not is not applicable here).

However, management guidelines on placement application in terms of the policy for the 2020 student intake stipulate in Clause 2.1.2.1 that:

As far as diversity is concerned, students are classified according to the following five factors:

- a) *South African or foreign citizenship.*
- b) *Language preference (Afrikaans, English or other).*
- c) *Ethnicity (Asian, black African, coloured, Indian or white).*
- d) *First-generation or non-first-generation student.*
- e) *Socioeconomic class (for students who require financial support and are found to qualify for bursaries based on a means test).*

It has been noted that although part of the diversity profile includes gender, there has been no broad definition of what gender is and on whether this is inclusive of members of the LGBTIQ+. There is further no indication of whether provision is made for PWDs.

6.4.5 GBV Policy

SU adopted a GBV Policy, aimed at addressing issues of unfair discrimination and eliminating any and all forms of discrimination at SU. The policy guides all actions, procedural documents and principles that relate to unfair discrimination, victimisation, harassment and sexual harassment at SU.¹⁸

The GBV Policy, refers to sexual harassment. However, it has been noted that reference is being made to the Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, 1998 instead of the 2005 Code in the definition. The policy further does not make provision for bullying. The policy fails to provide a definition on gender, rendering it not gender-sensitive.

¹⁸ Clause 3 of the SU GBV Policy.

The Commission applauds the SU for the EEAC that was specifically established in terms of Section 16 of the EEA. This is an important milestone for transformation.

However, based on the statistics of the Gender Non-Violence Status Report February 2018–May 2019, cases of sexual harassment remain a cause of concern and are increasing. The following has been recorded and submitted:

Type of Complaints# ¹⁹	2016	2017	2018
Sexual Harassment	17	6	19
Harassment	13	13	4
Discrimination	3	16	13
Victimisation	13	5	3
Sexism	2	3	1
Transphobia	1	1	0
Assault	2	6	1

6.5 Findings

- The Commission finds that although transformation is taking place at SU, it happens at a very slow pace. There is still a greater representation of men in many of the senior positions as opposed to women.
- The Commission finds that women representation among students is significant, but no expressed mechanisms are put in place to retain some of these women students as employees.
- There are limited funds for gender transformation programmes as most of the budget goes to remuneration and not into programmes.
- The Student Placement Policy does not clearly specify what gender is and how members of LGBTQIA+ communities can be allocated accommodation to provide for their needs and specifications.
- The Student Placement Policy further makes no mention how PWDs are accommodated.
- The GBV policy is not gender-sensitive and makes no provision for incidents of bullying. It is further not in line with the guidelines as contained in the Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, 2005.

6.6 Recommendations

- SU continue to implement more mechanisms to ensure that there is gender transformation within the institution.

¹⁹ A footnote was inserted in the original report that it should be noted that many complainants prefer selecting more than one type of complaint per incident.

- SU to adopt a succession plan aimed at attracting female graduates from SU as employees.
- SU to review their budget and allocate more funds to gender transformation programmes.
- SU to review their Student Placement Policy to ensure that it is more gender-sensitive and takes the needs of PWDs into account.
- SU should review their GBV Policy to ensure that it is in line with the guidelines of the Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, 2005.
- SU to conduct sexual harassment workshops and sensitivity workshops to address and sensitise students and staff on issues of sexual harassment and should provide the Commission with the content and attendance registers of these workshops.

7. University of Zululand

7.1 Background

The University of Zululand (UniZulu) is located within the Umhlathuze Local Municipality. UniZulu's main campus is located in a traditional authority area which provides a unique setting compared to other universities in South Africa.

The KwaDlangezwa Campus is UniZulu's main campus and is home to the university's four faculties and academic support department.

UniZulu first appeared before the Commission in the financial year 2018/2019 to account on the university's employment equity process and programme.

7.2 Steps Taken by the Commission

Following the hearings held in 2018/2019, the Commission made certain findings and recommendations (discussed below) that the university had to comply with.

7.3 Analysis of Information

7.3.1 The Commission found that UniZulu did not have mechanisms to drive gender transformation, especially at the top two echelons, prior to the appointment of the transformation manager. Recruitment of women candidates in these top two echelons is required and mechanisms must be put in place to ensure that UniZulu's employment equity target is reached by 2020.

A Policy and Procedures on Talent Management was adopted by Council in June 2019. The policy targets women and PWDs for training programmes aimed at developing leadership readiness. Thirteen women have already been enrolled for the 2019 Management Development Programme. This implies a pool of women that are already in the university's employ and could qualify for top management positions.

7.3.2 The Commission recommended that UniZulu should appoint sign language practitioners with immediate effect to assist deaf students with interpretation during lectures.

Sign language is included in the University's Language Policy. A meeting was held earlier with a language practitioner from a sister university in the province to understand how they deal with the issue. However, the university found that sign language is not universal, it differs from one discipline to another. Therefore, the challenge is finding resources for sign language interpreters for each discipline. In the interim, the university is exploring using visual subtitles for deaf students.

7.3.3 The Commission recommends that the university should urgently adopt the following policies by the 2019/20 financial year:

- 7.3.3.1 Gender Policy
- 7.3.3.2 GBV Policy
- 7.3.3.3 Sexual Harassment Policy.

Policies on Sexual Harassment and GBV were adopted by Council in June 2019 and address both students and staff. Awareness workshops have been held with groups of students. Further training is planned for all role players and stakeholders.

A Policy on Anti-Discrimination aimed at protecting staff and students from discrimination and bullying was adopted by Council.

A gender policy aimed at mainstreaming gender into all policies and programmes of the university has been drafted. It is going through being evaluated.

7.3.4 The Commission recommends that gender transformation should be included as a key performance indicator in the contracts of the two executives who are charged with gender transformation at UniZulu.

UniZulu did not provide an update regarding the above recommendation. The Commission sent a follow-up communique to which no response was received. However, the university dealt with the recommendation during the follow-up hearing that was held in the 2019/2020 financial year.

7.3.5 Since UniZulu could not provide disaggregated data on PWDs, it was recommended by the Commission that it must make effective use of the Recruitment Policy to include PWDs in the workforce.

An Employment Equity Policy has recently been reviewed and adopted by Council in June. The reviewed policy specifically addresses the need for equity in disability. All recruitment processes will now emphasise the university's position as an equal employer and encourage women and PWDs to apply. The university will explore further actions to ensure that PWDs are employed and supported.

7.3.6. The Commission undertook to investigate allegations that pregnant students are expelled from campus residence when in the last three months of pregnancy.

The UniZulu did not provide an update regarding the above recommendation. However, the university provided a separate response regarding the allegation aimed at ending the discrimination. The complainants confirmed that the University provided a communication to its staff and students ending the alleged discrimination.

7.4. UniZulu Update and Further Analysis

To promote gender transformation at the top two echelons of the university, a Policy and Procedures on Talent Management was developed, the policy targets women

and PWDs for training programmes aimed at developing leadership readiness. Thirteen women have been enrolled for the 2019 period for this programme. Three women participated in the Senior Management Development Programme and ten in the Management Development Programme. The university seeks to create a pool of women that are already in the university's employ and could qualify for top management positions as these become available.

The university indicated that it continues to struggle to attract applications from suitably qualified women. The VC emphasised that the reason for the university struggling to attract women candidates is due stems from fear of violence and referred to the recent murder of a dean at UniZulu allegedly because she refused to let certain dissertations pass. The VC indicated an element of thuggery at the university.

Despite the challenging circumstances the university has made significant changes in its staff complement in the Grade 1 to 6 Levels.

Table: Staff Complement Comparison for Grade 1–6

Staff Complement Grade 1 to 6			
2018		2019	
Academics and Professional		Academics and Professional	
Men	Women	Men	Women
78.05% (32)	21.95% (9)	69.77% (30)	30.23% (13)

This growth in the number of women appointed in the above grades is a positive step towards achieving the ratio required at the two top echelons of the university.

The university has dedicated a computer laboratory for students with disabilities and is considering getting Microsoft campus connection tools suited for the hearing-impaired. The university is considering the usage of visual subtitles to assist deaf students.

UniZulu has adopted Policies on Sexual Harassment and GBV in June 2019. The Sexual Harassment Policy covers both students and university employees (including contractors). The university offered awareness campaigns using different methods including distribution of questionnaires that contained information on sexual harassment and GBV to students and employees. Approximately 1500 people were reached. Text messages were sent out and reached approximately 15 000 students, including 3 000 part-time students. The university also developed an action plan on GBV which will be rolled out in 2020.

The university developed a Policy on Anti-Discrimination which is aimed at protecting staff and students from discrimination and bullying. The university is yet to finalise its Gender Policy as was recommended by the Commission. The university has a draft policy on gender inclusivity which is in the consultative stage at the university.

The inclusion of a gender equality key performance indicator in the contract of executives tasked with gender transformation at the university has been complied by UniZulu. The KPAs are reflected in the contracts of the VC and the Executive Director: Institutional Planning.

The university developed a form encouraging people to declare disabilities when applying for employment. A questionnaire to ascertain disabilities at the university was developed and distributed to employees after a workshop to educate employees on the purpose of the questionnaire. The questionnaire however did not yield the expected results.

7.5 Findings

The Commission finds that the UniZulu has not sufficiently complied with the Commission's previous recommendations and therefore recommends the following action.

7.6 Recommendations

1. It is recommended that UniZulu must share its plans for the development of the following policies with the Commission by the end of March 2020:
 - 1.1 Flexitime Policy
 - 1.2 Maternity Leave Policy
 - 1.3 Paternity Leave Policy
 - 1.4 Transition and/or Transgender Health Policy.
2. The Commission recommends that the university should reflect and work on the previous recommendations of the 2018/19 report. The Commission will in this instance continue to monitor the implementation of the recommendations until it is satisfied of full implementation of the recommendations.

8. University of Mpumalanga

8.1 Background

The University of Mpumalanga (UMP) is a new institution established in terms of the Higher Education Act (Act No. 101 of 1998). It officially opened in February 2014 and appeared before the Commission in the gender transformation hearings held in November 2018. Recommendations were made during these hearings.

8.2 Steps Taken by the Commission

Subsequent to the hearings conducted during the financial year 2019/2020 in November 2019, notice in terms of Section 12(4)(b) of the CGE Act was served to the accounting officer, Professor Thoko Mayekiso, to appear before the Commission and account on progress made thus far.

8.3 Analysis of Information

8.3.1 Appointment of a senior manager for the implementation of Employment Equity Plan.

The Commission observed that UMP appointed a senior manager in 2018 for organisational development and gender transformation. Records with the Department of Labour were updated to confirm the candidate as the person responsible for implementation of the EEP. The university appointed three women at executive management level, being the chief financial officer, head of school of education and an appointment that could not be confirmed during the hearing.

Executive Management	Men	Women
	6	3

The Deputy VC is responsible for staff and student development.

The university also implemented nGAP by appointing women lecturers within the Departments of Agricultural Economics, Industrial Psychology, Indigenous Knowledge Systems, Agronomy, Accounting and Sociology. The demographic representation is that 46% of the nGAP scholars is women. Since the university is growing there is an ample opportunity to appoint more women lecturers.

8.3.2 Development of Gender Policy that has operational plan with clear allocation of responsibilities, time for monitoring and evaluation.

A gender equality policy was approved by the university Council. This was reviewed in August 2019 and the operational plan will be developed for implementation in 2020. A gender forum will be instituted to guide the policy and the Commission will continue to monitor progress.

8.3.3 UMP to institute strong measures such as dialogues, workshops or campaigns to sensitise the community to policies.

The university held two workshops on sexual harassment at Mbombela and Siyabuswa Campuses on two different dates during May 2019. It also held a GBV imbizo in collaboration with the DHET, institutions such as TUT, Technical and Vocational Education Training (TVET) college, Higher Education HIV/AIDS (HEAIDS) under the theme Fight against GBV, HIV and AIDS.

The Commission applauded the progress made by UMP on allocation of funds to address GBV, HIV/AIDS and tuberculosis (TB). It also advised the university to ensure that the eight objectives of its operational plan are aligned to international instruments and applicable local legislation.

8.3.4 Drafting of Policies

- Recruitment and Selection
UMP's policy was approved in 2014 and due for review by April 2019.
- Employee Wellness
UMP undertook to develop the EWP by the end of November 2019.
- Staff Retention
UMP's policy is titled Succession Planning. It was approved in 2014 and due for review by April 2019.
- Whistle-blower
There is a draft policy in place pending approval by the management committee. Inputs from the university community were invited before submission to Council for approval by November 2019.

Although UMP works with the Department of Social Development in the province on issues of PWDs, it has also established a committee to provide support to these students. It still has to establish lecture halls for students with slow learning challenges or hearing impairments.

Recruitment of PWDs to the staff component was acknowledged as a challenge by the university.

A graduate's unit was established to teach women graduates to write attractive curriculum vitae to prospective employers.

8.4 Findings

The Commission observed that the university made significant progress in relation to the recommendations made in the previous hearings and applauded UMP for continued progress on transformation.

8.5 Recommendations

The Commission made the following recommendations:

- UMP to draft and submit a Transitional Policy, including transgender health and assistance.
- UMP to keep the Commission updated on the gender forum structure, regarding formalisation, effectiveness, influences and impact.

9. Nelson Mandela University

9.1 Background

Nelson Mandela University (NMU) appeared before the Commission during the 2018/2019 financial period, in relation to the transformation hearings at institutions of higher learning.

9.2 Steps Taken by the Commission

In accordance with the Commission's Gender Transformation at Institutions of Higher Learning Report 2018/19, the Commission made certain recommendations to NMU on seeking greater gender transformation. During the 2019/2020 year, the Commission called upon NMU to provide it with a progress report on these recommendations.

9.3 Analysis of Information

Below the Commission details the recommendations, progress and its analysis.

9.3.1 The Commission observed that there has been progress in gender representation in academic staff since 2005 from 41% to 51%. Top management and senior management positions favour women. The Commission recommended that NMU must explore strategies to increase women representation in the professionally qualified, specialised/mid-management and unskilled bands.

NMU acknowledges that as shown in the table below, men constitute 58 % of occupational band Level 3.

Occupational Level 3 (PL 4-6)		Race and Gender										
		Men				Women				Foreign Nationals		TOTAL
		A	C	I	W	A	C	I	W	M	F	
	Economically active population (eap) target	42.8%	5.3%	1.8%	5.3%	35.1%	4.5%	1.0%	4.2%	0.0%	0.0%	0.0%
3.PROF QUAL/ SPEC/MID-MAN (PL 4-6)	Total (head-count)	22	21	4	80	22	12	5	57	9	3	235
	Total (percentage)	9.4%	8.9%	1.7%	34.0%	9.4%	5.1%	2.1%	24.3%	3.8%	1.3%	100.0%
	Actual percentage versus EAP Target	-33.4%	3.6%	-0.1%	28.7%	-25.7%	0.6%	1.1%	20.1%	3.8%	1.3%	0.0%

Occupational Level 3 is constituted of 58% males and 42% females

A,C,I,= 36.6% and W=58.3%, Foreign Nationals= 5%

However, against the backdrop of the EEP (2018–2022) and Integrated Transformation Plan (2018–2022), NMU has strategies to redress gender disparity in the occupational bands.

The EEP informs the recruitment and selection of applicants and candidates. In addition, it is required that:

- The promotion of gender equality and diversity are key responsibilities of all line managers and accountability is expected at all levels as it relates to driving, implementing and monitoring the achievement of equity targets.
- The resignation or possible resignation of equity employees needs to be brought to the attention of the applicable HR/HOD/senior manager so that action can be taken as soon as possible to retain the employee.
- Exit interviews are conducted whenever there is a resignation to identify and address any areas of concern that may be contributing to equity employees leaving the employ of NMU.

Moreover, NMU implemented the following programmes to improve the representation of women, especially at senior management levels and among academic employees. These include:

a) Higher Education Women Leadership Development Academy (HERS-SA)

An annual, week-long interactive professional development opportunity for women employed in higher education both in South Africa and internationally. The programme is aimed at women in, or aspiring to hold, senior leadership positions (Academic and PASS).

b) Seven Choices of Successful Women

The workshop is focussed on women to realise that people who are inspired, passionate and motivated by the success of the organisation, can help create a passionate, thriving culture to work in and the opportunity for extraordinary performance.

c) Women in Leadership

Consists of a three-day short learning programme which is specifically designed to address the dynamics surrounding gender equality and outline concepts, facts and opinions on women in leadership in the 21st Century. It also incorporates the core leadership paradigms, while creating a platform for discussions on personal leadership styles.

d) Financial Assistance

In 2018, NMU financially assisted 212 employees to pursue a formal qualification, of which 128 (60%) were women. Furthermore, 77 employees were pursuing Doctoral qualifications, of which 42 (55%) were women.

Employees Pursuing Formal Qualifications	Men				Women				TOTAL
	A	C	I	W	A	C	I	W	
Total	36	13	1	26	53	29	4	42	212

NMU provides financial assistance to 31 employees to further their studies at other universities to promote their work performance and careers in fields in which the university does not offer the required qualifications. Of these, 94% is from the under-represented groups. A distinction between women and PWDs in this figure cannot be made.

e) Harmonisation of Remuneration and Benefits

NMU is currently implementing the Harmonisation of Remuneration and Benefits project, which will result in a fit-for-purpose remuneration and benefits strategy, model and philosophy that promote parity and equality in the university.

The above strategies and gender disaggregated data show that NMU is on track seeking gender parity within occupation bands with various programmes targeting women for employment. The current status of the occupational Level 3 is 58% men to 42% women, with an over-representation of white women.

It is once again noted that NMU is the only university in South Africa with a female VC, Chancellor and Chairperson of the Council. Top and senior management also favour women. Compared to other universities, NMU is well placed in gender transformation.

9.3.2 The Commission observed that the NMU lingers behind regarding gender parity of staff members in the faculties of science, engineering and law. Regarding this professionally qualified band, it may be raised as a red flag that more women should populate the band, given the assumption that it is the band which feeds senior and top management.

NMU noted that in its drive to fill academic vacancies there is a clear goal to transform the employee profile of the institution. The recruitment of academics is impeded by financial constraints and the intense competition for talented equity compliant academic staff in the higher education sector.

To address the challenges, NMU adopted the faculty, Resource Allocation Model (RAM), in 2019 to ensure that faculties were allocated enough financial resources to fill all academic vacancies. This additional 'injection' into the academic salary RAM amounted to approximately R50 million. This has made it possible to appoint 40 new academics across all faculties over the past six months. Of the academic appointments, most were from the under-represented (A, C, I) groups and this will contribute to diversifying the equity profile of academic employees.

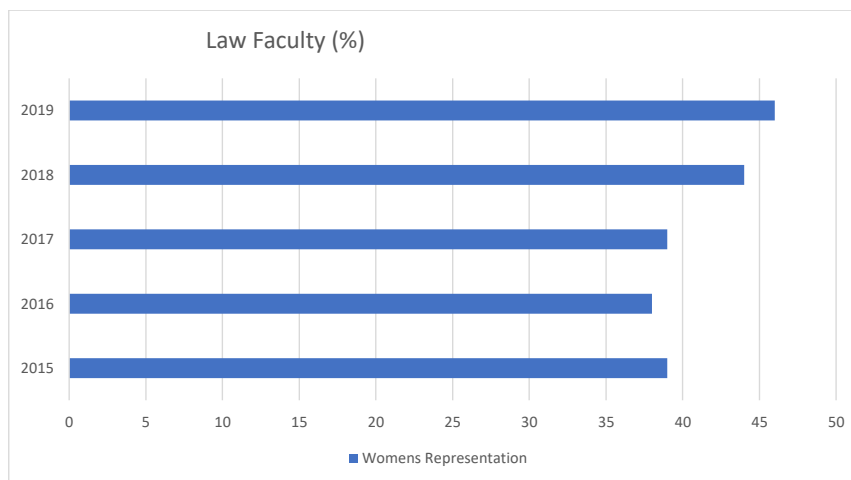
Through the University Capacity Development Grant (UCDG), the Centre for Teaching and Learning and the Department of Research Capacity Development offer a series of

workshops to provide teaching, learning and research support to university academic employees. These development opportunities assist early career academic employees in pursuing PhD qualifications, develop their skills to write research publications, facilitate learning more effectively, and supervise postgraduate candidates.

Successes resulting from these interventions include:

- Support of black women academics for sabbatical leave, especially with the collaboration and funding from NRF and the National Institute for Humanities and Social Sciences.
- Support from the university for equity candidates to complete their PhDs.
- Support of Council and executive management to appoint equity academics, many of whom are women.

Women's representation remains low in the Faculties of Science (32%) and Engineering, the Built Environment and Information Technology (27%). Within the Faculty of Law there has been a gradual increase of women from 2015 to 2019:



NMU recognises the need for targeted programmes to identify and develop talented women to occupy academic positions in these scarce skills fields. One such programme is the women in engineering leadership association (WELA) which was initiated by merSETA in collaboration with NMU with the aim of establishing engineering as a desirable career aspiration for girls and women; developing retention and career growth strategies for women studying in this field; and mentoring, assisting and advancing women already employed in engineering.

Despite gains in the legal faculty, women's representation remains low in the Faculties of Science (32%) and Engineering, the Built Environment and Information Technology (27%).

The CGE has noted similar trends throughout the sampled universities, specifically in previously male-dominated fields of study. NMU has taken heed of the relatively poor representation of women and has embarked on improvement measures in the overarching framework of its EEP and transformative agenda.

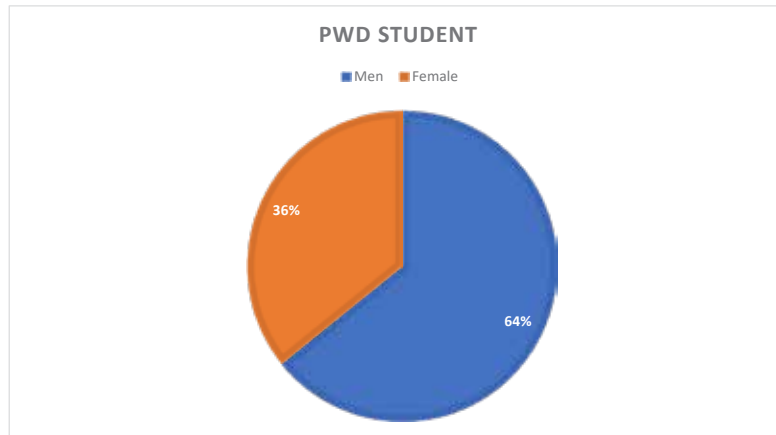
9.3.3 The Commission noted that PWDs are extremely under-represented. Of 2 451 employees, NMU has only 36 employees with disabilities, with females being the least represented. The NMU staffing pool is not adequately representative of PWDs. It is recognised that NMU has recently absorbed more than 900 previously outsourced workers which have skewed the statistics, however strategies must be implemented to increase the number of PWDs. NMU must actively recruit PWDs to increase representation.

The Unit for Accessibility and Disability Services at NMU is tasked with providing support to and reasonable accommodation for students and employees with physical, learning and other forms of disabilities. The unit fulfils an important role in advising on policy development and participates actively in committees and forums aiming to embed disability accessibility. The university encourages all students and employees with disabilities/special needs to disclose their needs on application forms or as a need occurs to enable the university to plan and prepare the support required by PWDs during their studies/employment career.

The Unit for Accessibility and Disability Services aims to assist students and employees with disabilities by:

- Establishing reasonable accommodations and support systems.
- Increasing awareness about and advocating for persons with disability.
- Increasing awareness of the abilities of PWDs among staff and students, thus providing PWDs with an equal opportunity to participate fully in all aspects of university life.

In July 2019, students with disabilities constituted 1.28% of the total student population. The proportion of PWDs among students has remained relatively consistent from 2015 to 2019. NMU cites that it encourages students to disclose their disability status when registering. It must be highlighted that men still outweigh women in representation in the statistical data below.



NMU acknowledges that the current proportion of employees with disabilities (1.6%) can also be improved to at least 2% of all permanent employees. Strategies to achieve this are being explored. However, these are not elaborated on. Moreover, the provided data are not gendered by nature. It is thus recommended that NMU be further requested to provide the required gender-disaggregated data and the specific strategies to be employed to increase PWD representation in its staff pool.

	2015	Total Perm	As a %	2016	Total Perm	As a %	2017	Total Perm	As a %	2018	Total Perm	As a %	2019	Total Perm	As a %
African	7	482	1.5%	7	810	0.9%	9	818	1.1%	9	1249	0.7%	8	1239	0.6%
Co-loured	3	373	0.8%	3	398	0.8%	3	409	0.7%	3	451	0.7%	3	443	0.7%
Indian		78	0.0%		77	0.0%		76	0.0%	1	79	1.3%	1	78	1.3%
White	32	907	3.5%	30	869	3.5%	28	808	3.5%	28	750	3.7%	27	707	3.8%
Grand Total	42	1840	2.3%	40	2154	1.9%	40	2111	1.9%	41	2529	1.6%	39	2467	1.6%

9.3.4 The Commission commended NMU on its integrated policy framework which incorporates gender transformation in its objectives. It noted that despite NMU’s extensive policy framework the absence of a flexitime policy and childcare facilities is concerning. It recommended that NMU explores the development of a flexitime work policy.

NMU has established a task team to assess the feasibility of establishing on-site childcare facilities. Various models are being analysed and costed to ensure that such facilities are available across all campuses of the university. NMU grants employees flexibility in working hours through the COS and with prior arrangement with line managers. These are:

7:30 – 16:00

8:00 – 16:30

8:30 – 17:00

The above hours were extended through the recent negotiations of the COS to include the hours of 9:00 – 17:30. It was cited that where possible and, at the discretion of line managers, employees may seek approval to work from home where this is justified. Furthermore, academic employees have a working week of 38.75 hours of which only 25 hours need to be on campus. This is captured in the leave policy and COS agreement.

As flexitime is codified in the leave policy and in the COS, it was concluded that NMU has implemented the Commission's recommendation. However, care should still be taken to avoid undue bias and/or inconsistent approaches of line managers in discretion when allowing employees to work from home. It is encouraging that NMU has established a task team to assess the feasibility of childcare facilities. The Commission shall continue to monitor the outcome of the feasibility study.

9.3.5 The Commission found that biannual review of policies was not adhered to. It recommended further that NMU must commit to review policies biannually as per policy to ensure that policies are pragmatic and in compliance with the changing legal landscape and needs of its staff/students.

During 2018 and early 2019, a comprehensive review of all anti-discrimination policies of the university was undertaken, including a benchmarking study of the policies and institutional transformation architectures of selected South African universities. Focus group sessions with key internal stakeholders were held to inform the ideological and strategic underpinnings of new integrated policies and protocols for the promotion of equality and social inclusion.

During the policy review process, it transpired that the university needs to establish a central unit/office to oversee the implementation of an integrated set of protocols and procedures for dealing with all concerns, complaints or reports relating to various forms of discrimination in a more user-friendly, accessible, and streamlined manner. The university is currently implementing a comprehensive organisational redesign process to assess the fit for purpose and strategic alignment of all organisational structures, policies, processes and systems. As part of this process, a new portfolio for engagement and transformation that will report directly to the VC has been established at a senior management level. It is envisaged that the unit/office will form part of this portfolio and will be resourced with specialised expertise required to respond to complaints or concerns based on any grounds of unfair discrimination,

as well as the intersectional nature of many lived experiences. The scope of work of this unit/office will include alternative dispute resolution processes such as conciliation and mediation processes, as well as holistic psycho-social victim support. Due to the particular nature of these disputes, a parallel process is needed to support the HR and the Legal Divisions in reviewing and transforming their disciplinary processes and panels to meet the requirements of fairness and due process, while at the same time taking into consideration the psycho-social dimensions of managing and prosecuting discrimination-based offences.

The draft policy and protocols for the promotion of equality and social inclusion will serve on the various decision-making structures, including Council, for approval by the end of 2019. This will be followed by meaningful communication, training and campaigns on raising of awareness of the policy framework, responsibilities and services available to respond effectively to all forms of discrimination, GBV and other sexual offences.

The university is committing resources to preventing and sanctioning the occurrence of all forms of discriminatory behaviours and GBV in a systemic manner, with the ultimate aim of challenging entrenched gender prejudices and stereotypes and safeguarding all its stakeholders from GBV and sexual offences.

9.3.6 The Commission found that prioritising security upgrades on all NMU campuses is of key importance and resolved that it would monitor the implementation of the upgrades as per its Integrated Safety and Security Strategy.

NMU cites an intersectional response to safety and security to ensure that solutions are tailored to cater for groups that are most vulnerable, including black, female, LGBTIQ+ and disabled staff and students. Regular meetings with SAPS and METRO Police regarding student safety and security concerns off-campus and the exchange of crime or security-related information to provide staff and students with a more realistic understanding of the off-campus risks.

Safety and security awareness form part of the induction process of first-year students and regular crime awareness/incident information updates are posted online to raise staff and student awareness.

The following improvements have been introduced since NMU last accounted before the Commission:

- New fencing and infrastructure improvements at various campuses.
- The completion of Operation, Monitoring, Analysis and Response Rooms (OMARR) (formerly known as the control rooms) viewing stations on each campus, as well as the infrastructure and technology upgrades of the main OMARR centres on the North and George Campuses.
- Introduction of a safe walking Green Route on the South campus supported by additional surveillance cameras. NMU has increased the number of CCTV cameras and now has more than 1 000 cameras in the security network, including several with license plate recognition (LPR) capability at campus entrances.

- Introduction of access verification for motorists using staff and student cards.
- Silent panic alarms in all 180 computer labs.
- Wall alarms in the 24-hour labs.
- A new self-service boom on the South Campus which staff and students are encouraged to use.
- The introduction of Instacom communication for Protection Services staff, which monitors the planned patrol patterns.
- The introduction of rapid response security teams.
- Biometrics for residences: students can now only access their living quarters by using their thumbprint.
- The South Campus residences' study centres will have surveillance cameras installed to enhance security in and around these venues.

Upcoming Endeavours

- A new technology system that integrates data from a variety of security systems at NMU will soon be introduced as a key step towards further managing and improving safety and security across all seven campuses.
- Implementation of the new system – known as CiiMS (Central Integrated Information Management System) – will synchronise all systems into a single security case management system, enabling the integrated capture and management of information related to incidents.
- The October 1 start-up will also mark the culmination of a series of interventions over the past two years to create a safer working and study environment for university staff, students and visitors.
- The new CiiMS will make reporting, be on crime or any other incident, far easier and more effective as it will replace the traditional hand-written Occurrence Book and other manual processes. The online platform includes a mechanism to track all GBV complaints and the measures taken to investigate and address reported cases swiftly, from the time of reporting the complaint to its prosecution. The system also provides information on GBV and sexual offences to inform the investigation and disciplinary processes.

NMU notes that Protection Services staff received training with each intervention to consistently develop their own skills. This includes training in the technology on which much of the safety plan relies. To date, a number of Protection Services staff have also received additional training with regards to evacuations and emergency drills, as well as on events training.

In addition, the NMU is set to make major infrastructure improvements to its entrances on North and South Campuses to control access into and through the university.

NMU is currently planning to establish a safe haven: a secluded space, away from student accommodation where the survivors of GBV violations can reside while being supported in transitioning back into their normal routines. Usually victims of these incidents are students who have no alternative place to relocate to in either Port Elizabeth or George. Perpetrators are oftentimes students who share the same residential spaces, which results in further trauma for victims.

The safe haven constitutes a bold step in the fight against gender and sexual-based violence and intends to accommodate the following groups of students for limited durations:

- Pregnant students.
- Pre-delivery care: this will be determined by the nursing team who will be responsible for assessing the student's readiness to deliver post-delivery care: 72 hours, newborn handed over to student's relatives or Post termination of pregnancy: 48 hours
- Post-rape or any other related GBV incidents: five days (to accommodate medical results, response to prophylactic treatment, etc.).
- The safe haven intends to be a safe space for healing, and comprehensive support.

In addition to the above measures to implement its comprehensive safety and security strategy, the university collaborates with the provincial Eastern Cape Department of Safety and Liaison as part of government's support for GBV programmes. Collaboration will include substance and alcohol abuse and other campaigns to minimise GBV incidents.

9.4 Conclusion

The Commission applauds NMU on its implementation of various safety measures to safeguard its student and employee communities. With several campuses, safety is a challenge for the university. NMU's intersectional approach to safety may be a catalyst in the decline of incidents on campus and in residences. The Commission has monitored the progress of NMU, and it was resolved that due to the significant progress, NMU would not have to be recalled, but continuous monitoring will take place to ensure that there is transformation.

10. Sol Plaatje University

10.1 Background

The Sol Plaatje University (SPU) was established in 2014. It is the only university in the Northern Cape and is situated in the Kimberley CBD.

SPU appeared before the Commission in November 2018 in the financial year 2018/19 for the transformation hearings on institutions of higher learning.

During the current financial year 2019/2020, the Commission has embarked on a consultative process with specific focus on the implementation of the Commission recommendation of the hearings conducted in 2017/18 and 2018/19 with the universities. As such, the Commission is engaging SPU because it participated in the hearing of 2018/19.

In accordance with the Commission's Gender Transformation in Tertiary Institutions Report 2018/19, the Commission made several recommendations to SPU. The implementation and progress of the recommendations are discussed below.

10.2 Steps Taken by the Commission

The Commission dispatched the correspondence regarding transformation progress to SPU on 21 June 2019. SPU responded on 22 July 2019 and provided the required information.

10.3 Analysis of Information

In the current financial year 2019/20 SPU appeared before the Commission on 26 November 2019 and made a presentation. The information submitted and presented during the hearing is analysed below.

Increase and Empower Women for Leadership Positions

SPU appointed a chief financial officer and a head of school who are both women.

The tables below indicate the change in the top and senior management from November 2018 to December 2019.

November 2018: Top and Senior Management Composition

Designation	Men				Women				Foreigner		Disability	Totals
	A	C	I	W	A	C	I	W	M	F		
Top Management	0	0	1	0	0	0	0	0	0	0	0	1
Senior Management	1	0	1	3	0	1	0	0	2	0	0	8
Totals	1	0	2	3	0	1	0	0	2	0	0	9

December 2019: Top and Senior Management Composition

Designation	Men				Women				Foreigner		Disability	Totals
	A	C	I	W	A	C	I	W	M	F		
Top Management	0	0	1	0	0	0	0	0	0	0	0	1
Senior Management	1	0	1	2	0	1	0	1	1	1	0	8
Totals	1	0	2	2	0	1	0	1	1	1	0	9

Representation of women in the top and senior management has increased from 11% in December 2018 to 33% in February 2019. Section 2(b) of the EEA 55 of 1998 requires the employer to implement affirmative action measures to redress the disadvantages in employment experienced by the designated groups, in order to ensure their equitable representation of unfair discrimination, which SPU is yet to achieve.

Representation of women in the SRC increased from 10% in 2018 to 30% in 2019.

Include Representation of PWD in Employment

Three employees of SPU declared that they suffer from some form of disability, but all are not forthcoming in sharing details of disabilities. Declarations are also not supported by medical reports. Therefore, SPU cannot classify forms of disability.

SPU is indicating in employment advertisements and PWDs are encouraged to apply for the vacancies.

Provide Courses for Students with Special Needs

SPU indicated that it has never rejected an application for enrolment from a student with disability and it supports students with disabilities on a limited scale.

SPU indicated that it is still in an infancy stage in developing programmes which entails appointing more lecturers on an ongoing basis. Challenges are currently being experienced in balancing the financial means of SPU with the need for expansion in order to ensure that required programmes can be offered. SPU declared that it is not presently in a position to allocate further resources in order to offer courses to students with hearing or visual impairments. SPU believes that this is not unfair discrimination, but rather based on available resources. SPU stated that, should the opportunity arise to expand to include courses for students with hearing or visual impairments, SPU will consider such possibilities to determine viability.

Complete the Improvement of Campus Security

SPU installed perimeter fencing at the central campus which resulted in significant improvements to the security at SPU residences.

Develop Outstanding Employment Policies

SPU provided draft policies that were outstanding or in review and has initiated implementing them. Among these are the policies on employee wellness, GBV and sexual harassment. The draft policies address the concerns of discrimination and lack of gender sensitivity that were initially raised by the Commission and takes international, regional and local legal instruments into cognisance. The draft policies are yet to be approved by the SPU Council.

Allocate Budget to Support Gender Transformation

SPU indicated that it has allocated a substantial budget for staff development which includes a budget specifically aimed at the development of academic staff.

SPU has introduced ICT and Data Science Programmes. The table below shows the enrolment of women students these programmes in 2019. Women students constitute 35% of the current enrolment in these programmes.

2019 SPU Enrolment Headcounts (Per Gender and Period of Study)							
Qualification Name	1 st Year		2 nd Year		3 rd Year		Total
	Women	Men	Women	Men	Women	Men	
Bachelor of Science in Data Science	8	9	5	14	3	8	47
Bachelor of Science Honours in Data Science	-	5	-	-	-	-	5
Diploma in Info and Comm Tech App Dev	29	49	21	35	16	30	180
Advanced Diploma in Info and Comm Tech	2	8	-	-	-	-	10
Total	39	71	26	49	19	38	242

SPU observed that women students do very well academically in these programmes. For example, the SPU team that participated in the 2019 NDP2030 SITA Hackathon was a four-member, all-women team. They won the first prize (R100 000, trophy and certificate) in the provincial category.

The winning project was the development of an electronic solution to minimising child-kidnapping using mobile phone technology. The Commission commends SPU for this programme with the hope that the graduates will apply this in contributing to address GBV.

Profile of Headcount Student Enrolment

Year	Undergraduate		Postgraduate		Totals	Women%
	Women	Men	Women	Men		
2018	889	638	0	0	1527	58,2
2019	1134	772	53	44	2003	59,2

More women enrolled at SPU compared to men.

Development of Programmes to Support Survivors of GBV

SPU has a student counsellor and a health practitioner who regularly host programmes and information sessions regarding GBV in collaboration with various stakeholders. The students are supported and counselled by the trained professionals, while GBV survivors are counselled and referred for further attention should they require additional and more directed support.

10.4 Findings

- SPU does not employ any PWD in the top and senior management.
- SPU does not have resources to offer courses to students with hearing or visual impairments.
- SPU progressed in increasing the representation of women in senior management and slightly in the SRC.
- SPU installed perimeter fencing at the central campus which resulted in significant improvements to the security at residences.
- SPU has generally progressed in the transformation of the university compared to its previous transformation findings.
- The Commission found that SPU is contributing to the development of graduates who should assist in the fight against trafficking in persons and GBV by use of technology.

10.5 Recommendations

- SPU should liaise with entities, such as DeafSA, to source or capacitate potential candidates with disabilities for future employment with the aim of increasing representation of PWDs in the universities' senior management.
- SPU to seek resources to enable it to provide courses for students with special needs to ensure inclusivity.
- SPU should increase the representation of women beyond 33%.

11. Department of Higher Education and Training (DHET)

In 2014 the DHET appeared before the Commission and certain recommendations were made. During the 2018/ 2019 investigations, the Commission issued a notice to appear in 2018 to the DHET. However, the DHET failed to appear and a hearing only took place on 26 February 2019.

11.1 Steps Taken by the Commission

Pursuant to the hearing the following recommendations were made:

- Internationalism standard need to be maintained in education and therefore, DHET must lead in the conversation of foreign influx in the academia. That is, it must initiate a dialogue on African diaspora.
- It is a national imperative that gender mainstreaming be implemented into DHET policies and the department itself.
- DHET must train its cohorts in respect of disabilities, retain women for higher positions.
- DHET must have a policy addressing gender equality and equity in higher education with set targets.
- DHET must identify ways to attract more funds from private sector to the National Student Financial Aid Scheme (NSFAS) with at least a tax rebate as a reward.
- There is a need for the inclusion of Africans and coloured persons at academic level.
- DHET must set clear target to meet with regard to Persons with disability (PWDs).
- There is a need for review of internal units against the oversight body in line with the transformation process. There are serious challenges to these units in driving transformation at institutions of higher learning.
- There must be minimum standards set for institutions of higher learning to achieve their employment equity targets.
- DHET must implement policies to deal with the scourge of GBV in institutions of higher learning rather than outsourcing services to HEAIDS.

It should be noted that a significant number of recommendations were made by the Commission to DHET. DHET was not called in the 2019/2020 hearings as it was premature for all recommendations to have been implemented. However, the Commission will continue to monitor and ensure that there is compliance with the recommendations that have been implemented in the 2020/2021 financial year.

12. Conclusion

The Commission noted that although there has been improvement with some of the recommendations previously issued by the Commission, gender transformation remains a challenge. This is evident from the minimal representation of women, especially in senior positions. It has also been noted that there is again a discrepancy regarding PWDs, as they remain marginalised in many of these institutions.

These commonalities should be considered by institutions of higher learning in pursuing transformation.

Policies remain a challenge in many of these institutions. This is evident from the absence of policies not being reviewed. It is therefore imperative that these institutions partner with organisations such as the Commission to ensure that they remain on par on issues of transformation. The Commission will also remain vigilant in ensuring that transformation is achieved.