

Draft statement
UNIVERSITY STATEMENT

18 September 2024

Dear members of the university community

We write to provide you with an update on recent developments regarding DUT governance and management controversies, following on the statement by Executive Management, dated 7 September 2024.

Between 3 and 5 September 2024, several decisions were made by, purportedly, Exco of Council, which led to some members of Management who are voting members of Council, launching an urgent application at the Durban High Court to interdict as reflected in the 4th paragraph below. Several other members of Council, both internal and external, provided confirmatory affidavits in support of this application.

After the launch of the High Court application, the protagonists in the matter approached the Labour Court on a very urgent basis (*ex parte*) seeking to enforce their decisions, which had already been challenged in the High Court application. The Labour Court matter sat yesterday, 17 September 2024. It was summarily dismissed, with the cost order still to be determined on 22 October 2024.

This morning, the High Court granted a *RULE NISI*, which is a court order interdicting the protagonists in this matter, consisting of some external members of Council, who took impugned decisions between 3 August 2024 and 3 September 2024, to refrain from implementing such actions.

In Part A of the High Court matter, the protagonists were interdicted as reflected below, pending the final determination of Part B, which is the review application. The relief granted in Part A includes the following:

- 1) The DUT Council is temporarily interdicted from implementing its decisions made on 3 August 2024 and 17 August 2024, which relate to adopting recommendations from the forensic report.
- 2) The Exco of Council is also interdicted from enforcing its decision made on 3 September 2024 to adopt recommendations from the forensic report and to initiate disciplinary action against the Vice-Chancellor and Principal of DUT, Professor Thandwa Mthembu.
- 3) All decisions to implement the actions as mentioned earlier have been suspended immediately.

Matters pending for final determination in Part B of the application, which will be dealt with on 8 January 2025, are the following:

- 4) Reviewing and setting aside the process of procurement of services from Sekela Xabiso (SkX), which conducted the forensic investigation.
- 5) Reviewing and setting aside the SkX Forensic Report.
- 6) The protagonists among external members of Council and any other party who opposed the application are directed to pay the costs of the urgent application, jointly and severally.



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The interdict, thus, retains the *status quo* at the university. It does not adversely affect university operations, the academic project, our research enterprise, or DUT-associated engagement activities.

Executive Management will provide further updates on any new developments as the processes unfold. During this time, the university's primary focus remains on successfully concluding the second semester of our academic calendar and maintaining a harmonious, safe and productive environment for both staff and students.

Sincerely

Executive Management*

**For the record, Executive Management is as defined in the DUT Statute. It should not be misconstrued with the Executive Management Committee.*



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