

IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE LOCAL DIVISION, MTHATHA

CASE NO. 1649/2021

In the matter between:

WALTER SISULU UNIVERSITY

Applicant

and

STUDENT REPRESENTATIVE COUNCIL OF
WALTER SISULU UNIVERSITY

First Respondent

PHELO NOCAMAGU MATHENTAMO

Second Respondent

ZIZIKAZI ZAMEKA NGOMA

Third Respondent

NHLANHLA KHAWULA

Fourth Respondent

AVUYILE BOQWANA

Fifth Respondent

SIVE SAPEPA

Sixth Respondent

SIYAMTHANDA DANISA

Seventh Respondent

ANATHI NGQULATYA

Eighth Respondent

ALL UNKNOWN STUDENTS OF WALTER SISULU
UNIVERSITY ENGAGING IN UNLAWFUL ACTIVITIES
IN THE APPLICANT'S BUTTERWORTH CAMPUS

Ninth Respondent

THOSE PERSONS ENGAGING IN OR ASSOCIATING
THEMSELVES WITH UNLAWFUL ACTIVITIES ON THE
APPLICANT'S CAMPUS

Tenth Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that an application will made on behalf of the
applicant before the above Honourable Court on Friday, 15 April 2021 at 09h30 or so

816

M.

soon thereafter as the matter may be heard, or at any other time directed by a Judge for an order as set out in this Notice of Motion.

1. An order dispensing with the forms, service and time periods prescribed in terms of the **Uniform Rules of Court** (the Rules) and directing that the matter be heard as one of extreme urgency in terms of **Rule 6(12)** and in terms **Rule 6(4)** of the Rules.
2. An order dispensing with the citation requirements of **Rule 6(2)** of the rules in respect of the respondents.
3. That a rule nisi be issued in terms of which the respondents are called upon to show cause on 25 May 2021 why an order in the following terms should not be made a final order of the above Honourable Court:
 - 3.1 Restraining the respondents from participating in, encouraging, facilitating and/or promoting any unlawful activities on the campus of the applicant which activities shall include, but not be limited to:
 - 3.1.1 Interfering with access to, egress from and the free movement on the applicant's campus of all members of the Walter Sisulu University community and all others who have lawful reason to move on to, off and upon the said campus.
 - 3.1.2 Disrupting, obstructing or in any other manner interfering with the academic processes of the applicant, which shall include but not be limited to lectures, tutorials, practical tests and use of the applicant's library facilities and laboratories.
 - 3.1.3 Interfering and threatening the academic staff, administrative staff and service providers of the applicant while on the applicant's campus.
 - 3.1.4 Causing any damage to the applicant's property.

- 3.2 an order directing that the respondents pay the costs of this application jointly and severally the one paying the other to be absolved.
4. An order that paragraphs 3.1 to 3.1.4 shall serve as an interim interdict against the respondents until the return date.
5. Service of the court order:
 - 5.1 by the Sheriff and where necessary with the assistance of the South African Police Services on the respondents by reading out the order by a loudhailer at the applicant's campus.
 - 5.2 by placing a copy of this Notice of Motion and Order of Court on the Walter Sisulu University webpage.
 - 5.3 by emailing a copy of the application directly to the first respondent.
 - 5.4 by affixing copies of this application to various notice boards at the main entrances and notice boards at the applicant's campus.
6. The respondents are entitled to anticipate the return date after 24 hours written notice to the applicant's attorneys.
7. Further and/or alternative relief.

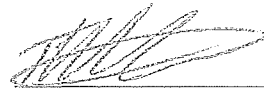
KINDLY TAKE NOTICE FURTHER that the affidavit of together with all confirmatory affidavits and annexures thereto, will be used in support of the application.

KINDLY TAKE NOTICE FURTHER that a copy of the full application and annexures thereto is available for inspection at the applicant's attorney's address, it being No.1 Stanley Nelson Drive, Mthatha.

If you intend opposing this application, you are required:

- (i) To file a notice of opposition within 5(five) days of publication of the interim court order in the manner set out in paragraph 5.1 to 5.3;
- (ii) To appoint attorneys in such notice with an address as required by Rule 6(5)(b) of the Rules at which address you will accept service of all notices and processes in these proceedings; and
- (iii) To file your answering affidavit, if any, on or before close of business on 6 May 2021.

DATED AT EAST LONDON ON THIS 15th DAY OF APRIL 2021.



MBABANE & MASWAZI INC

Applicant's Attorneys

No.1 Stanley Nelson Drive

MTHATHA

Tel: 043 726 0058

Fax: 043 721 0507

Email: mbabane@mslawyers.co.za

Ref: Mr Mbabane

TO : THE REGISTRAR
High Court
MTHATHA

AND TO : THE STUDENT REPRESENTATIVE COUNCIL
First Respondent
Walter Sisulu University
Butterworth Campus
Ibika Township

BUTTERWORTH

AND TO :-

PHELO NOCAMAGU MATHENTAMO

Second Respondent

Walter Sisulu University

Butterworth Campus

Ibika Township

BUTTERWORTH

ZIZIKAZI ZAMEKA NGOMA

Third Respondent

Walter Sisulu University

Butterworth Campus

Ibika Township

BUTTERWORTH

NHLANHLA KHAWULA

Fourth Respondent

Walter Sisulu University

Butterworth Campus

Ibika Township

BUTTERWORTH

AVUYILE BOQWANA

Fifth Respondent

Walter Sisulu University

Butterworth Campus

Ibika Township

BUTTERWORTH

SIVE SAPEPA

Sixth Respondent

Walter Sisulu University

Butterworth Campus

Ibika Township

BUTTERWORTH

SIYAMTHANDA DANISA

Seventh Respondent

Walter Sisulu University

Butterworth Campus

Ibika Township

BUTTERWORTH

ANATHI NGQULATYA

Eighth Respondent

Walter Sisulu University

Butterworth Campus

Ibika Township

BUTTERWORTH

**ALL UNKNOWN STUDENTS OF WALTER SISULU
UNIVERSITY ENGAGING IN UNLAWFUL ACTIVITIES
IN THE APPLICANT'S BUTTERWORTH CAMPUS**

Ninth Respondent

Walter Sisulu University

Butterworth Campus

Ibika Township

BUTTERWORTH

THOSE PERSONS ENGAGING IN OR ASSOCIATING
THEMSELVES WITH UNLAWFUL ACTIVITIES ON THE
APPLICANT'S CAMPUS

Tenth Respondent

Walter Sisulu University

Butterworth Campus

Ibika Township

BUTTERWORTH

IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE LOCAL DIVISION, MTHATHA

CASE NO. / 2021

In the matter between:

WALTER SISULU UNIVERSITY

Applicant

and

STUDENT REPRESENTATIVE COUNCIL OF
WALTER SISULU UNIVERSITY

First Respondent

PHELO NOCAMAGU MATHENTAMO

Second Respondent

ZIZIKAZI ZAMEKA NGOMA

Third Respondent

NHLANHLA KHAWULA

Fourth Respondent

AVUYILE BOQWANA

Fifth Respondent

SIVE SAPEPA

Sixth Respondent

SIYAMTHANDA DANISA

Seventh Respondent

ANATHI NGQULATYA

Eighth Respondent

ALL UNKNOWN STUDENTS OF WALTER SISULU
UNIVERSITY ENGAGING IN UNLAWFUL ACTIVITIES
IN THE APPLICANT'S BUTTERWORTH CAMPUS

Ninth Respondent

THOSE PERSONS ENGAGING IN OR ASSOCIATING
THEMSELVES WITH UNLAWFUL ACTIVITIES ON THE
APPLICANT'S CAMPUS

Tenth Respondent

FOUNDING AFFIDAVIT



L.M.

I, the undersigned

LULAMILE NTONZIMA

do hereby make oath and say that:

1. I am an adult male person duly employed as Acting Registrar by the applicant and I am duly authorised to depose hereto on behalf of the applicant, the facts hereof are within my own personal knowledge and belief and are both true and correct. Where I make submissions of a legal nature, I do so on the advice of my legal representatives and where I rely on information I obtained from others, I verily same to be true. I attach hereto annexure "LN 1" letter from the Vice-Chancellor of the applicant confirming my authority to institute these proceedings on behalf of the applicant.

THE PARTIES

2. The applicant is Walter Sisulu University is an institution of higher learning established in terms of its own Institutional Statute with its head office at Nelson Mandela Drive, Mthatha. The applicant is a product of the process of merger of various institutions of higher learning which merger is decreed by the provisions of section 23 of the Higher Education Act, 1997.
3. The first respondent is the Student Representative Council of Walter Sisulu University, Butterworth Campus with its office at Walter Sisulu University, Butterworth.

L. N. 1



4. The second respondent is Phelo Nocamagu Mathentamo, a student and a member of the Student Representative Council of Walter Sisulu University, Butterworth Campus with her office at Walter Sisulu University, Butterworth.
5. The third respondent is Zizikazi Zameka Ngoma, a student and a member of the Student Representative Council of Walter Sisulu University, Butterworth Campus with her office at Walter Sisulu University, Butterworth.
6. The fourth respondent is Nthlanthla Khawula, a student and a member of the Student Representative Council of Walter Sisulu University, Butterworth Campus with his office at Walter Sisulu University, Butterworth.
7. The fifth respondent is Avuyile Boqwana, a student and a member of the Student Representative Council of Walter Sisulu University, Butterworth Campus with his office at Walter Sisulu University, Butterworth.
8. The sixth respondent is Sive Sapepa, a student and a member of the Student Representative Council of Walter Sisulu University, Butterworth Campus with her office at Walter Sisulu University, Butterworth.
9. The seventh respondent is Siyamthanda Danisa, a student and a member of the Student Representative Council of Walter Sisulu University, Butterworth Campus with his office at Walter Sisulu University, Butterworth.

L. M.



10. The eighth respondent is Anathi Ngqulaty, a student and a member of the Student Representative Council of Walter Sisulu University, Butterworth Campus with her office at Walter Sisulu University, Butterworth.

THE FACTUAL MATRIX

11. On the evening of Tuesday, 06 April 2021, Mr Vumuxolo Sonqishe (Deputy Director: Student Affairs) saw an email request, from the first respondent, for authorization to hold a mass meeting on Wednesday. The office of the Student Development Unit requested agenda items for the requested meeting which were not furnished. I attach hereto as annexures "LN 2", a screenshot of an email from the second respondent to the Student Development Unit and the response thereof.
12. The students' meeting was duly convened on the following day at about midday. In the evening, Mr Sonqishe followed up with the second respondent regarding the outcomes of the meeting as he is required to know the outcome of the student meetings so that he can communicate the resolutions to the campus management and the school management. He was informed by the second respondent that the students are going on strike. This was surprising because they did not first engage the affected departments or management about their grievances. He then requested the second respondent for their memorandum of grievances which he said they were busy drafting it and he received it during midnight. I attach hereto annexure "LN 3" a memorandum of the second respondent titled "mass action".

L. M.



13. At or about 05:00 am on Wednesday, 07 April 2021, Mr Sonqishe went on campus and upon his arrival he discovered that the students were already burning tyres and barricading the main entrance. He then informed the Campus Rector and the Deputy Director: Operations and ICT as they are responsible for the school property.
14. On the same day, the Registrar called the meeting which was attended by the Deputy Registrar: Butterworth Campus, Deans, HODs, faculty Secretaries, and Departmental Secretaries. The meeting was aimed at addressing registration issues that were raised in the memorandum of grievances.
15. Immediately after the meeting that was convened by the Registrar, there was a Campus Management Committee meeting and Mr Sonqishe was requested by the Campus Rector to invite the first respondent to the meeting. The second respondent, acting for the first respondent, declined the invitation stating that they want implementation of their grievances and that they are tired of sitting in meetings. It was however put to him that they have made it impossible for some of the grievances to be implemented because there is no access to the campus. The Campus Management Committee continued with their meeting in an attempt to resolve the campus issues that were raised in the memorandum.
16. There were also institutional issues that required the attention of the Institutional Management Committee. This committee sat on Thursday, 08 April 2021. It was followed by a meeting with Institutional SRC which is composed by the

L.M.



SRC members of the various campuses of the applicant. The resolutions of the meeting were sent to the first respondent on Monday, 12 April 2021.

17. On Monday, 12 April 2021, the Rector called the extended Campus Management Committee meeting with the institution managers, union members, and the first respondent whereby the issues were dealt with at length. The first respondent's representatives however requested the responses that were given at meeting to be in writing. The written responses were sent to the first respondent on that very same evening. I attach hereto annexure "LN 4" a table containing students demands and the Campus Management Committee response to those demands.
18. There was no mass meeting called by the first respondent to discuss the students' responses and they continued protesting. They only responded on Wednesday, 14 April 2021, highlighting their dissatisfaction with the resolutions. I attach hereto annexure "LN 5" a screenshot of an email from the second respondent.
19. A special Campus Management Committee meeting was then convened to discuss the responses and to prepare for the Institutional Management Committee meeting which was also scheduled for the same day.
20. Some of the issues were resolved, and there was no consensus on others.

L.M.



21. There are no academic or administrative activities on campus because of the protests.

DAMAGE TO THE PROPERTY

22. The protests on Monday, 12 April 2021, were violent and the students were damaging property. They broke into the kitchen and looted all the food that was there such that four (4) students were caught by the security guards. I attach hereto annexure "LN 6(a) – (d)" photos that we managed to get from afar as management and staff area unable to get access to the premises.
23. The students also burnt the school 40-seater bus.
24. They broke all the windows at the maintenance building. We are unable to get inside the campus to assess the extent of the damage as the situation is volatile at the main gate which has been blockaded by the protesting students.
25. The protesting students are throwing stones and other dangerous objects at staff village where some Campus employees stay with their families. They have also barricaded the entrance to the staff residence such that the staff cannot move in or out of their residence and obstructing staff children not to go to school, and the staff members who are residing inside the campus staff quarters are unable to do other family daily businesses. Medical needs of staff with chronic medical conditions have been severely and negatively affected as they are unable to seek routine attention from close Medical Centers.

L.M.



26. There are constant threats of violence and assault which is directed at staff members by the respondents.
27. They continue to burn tyres in front of Campus Main Gate which has been barricaded using the University desks and other moveable asset, doing this illegally.
28. They are blocking administrative support given to Grade 12 pupils who still seek admission at the University at first year level.
29. They are attacking contracted companies doing their routine work on Campus by pelting them with stones and blocking their access to the campus.
30. They are waging a direct intimidation and using other social media platforms to intimidate and insult Campus staff members who are meant to assist to develop or handle their queries that need administrative functioning.
31. All of these attacks happen despite management's efforts to resolve their demands particularly that are within University control and powers.

URGENCY

32. The resolution of this matter requires urgent attention for a number of reasons the main of which are set out below:

L.W.



- 32.1 Under all the circumstances, the applicant has acted with the necessary haste and has brought this application at the first available opportunity and I submit that this application is sufficiently urgent to proverbially jump the queue so that it can be heard on an urgent basis.
- 32.2 If the applicant does not stop the illegal invasion referred to above by urgently instituting these proceedings, by the time that the present proceedings are instituted in due course and within the normal time limits as directed by the Rules of the above Honourable Court, the respondents will have damaged more property.
- 32.3 There is a potential danger of more destruction of university property and moreover there is a serious potential of assault and even death as staff members are being intimidated with acts of violence including those aimed at family members of staff.
- 32.4 There is an ongoing destruction of university property and this is a serious transgression which cannot be allowed to continue without some urgent intervention in the form of the instant proceedings.
- 32.5 University operations have been unlawfully disrupted and this state of affairs cannot be allowed to continue unabated.

L.M.



REQUIREMENTS FOR AN INTERDICT

Clear right

42. The applicant is the owner of the property and the respondents' conduct is unlawful as they have no entitlement to damage the property. For this reason, I respectfully submit that the applicant has established a clear right to the interdict which it seeks.

Reasonable apprehension of irreparable harm

43. The relief which the applicant seeks is designed to protect, *inter alia*, its assets as well as the employees.
44. For this reason, irreparable harm will be suffered if the applicant loses the property to the respondents who continue to engage in unwarranted acts of vandalism and threats of violence with an imminent potential to inflict injury upon the employees of the applicant.

No suitable alternative remedy

45. The applicant does not have an alternative and adequate remedy available to it other than the interdict which it seeks. The respondents have failed and/or refused to cease their unlawful activities.

L.M.



46. Applicant has exhausted all the other diplomatic means and interventions without any success, the respondents are continuing in their illegal activities as outlined above.

47. Respondents are refusing to engage in any form of meaningful discussions and have instead vowed to continue with this and violent illegal strike action.

Balance of convenience

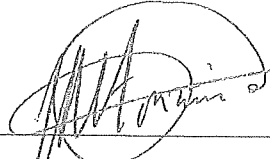
48. It is submitted that the balance of convenience favours the granting of the relief sought as the applicant will be prejudiced if the interdict is refused, and the respondents have no entitlement whatsoever to damage the school property.

CONCLUSION

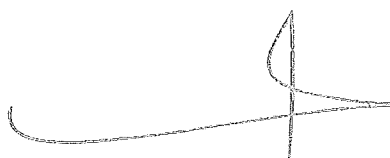
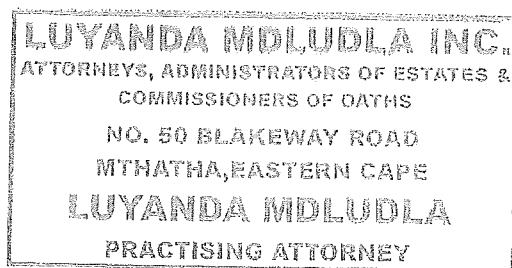
49. It is humbly submitted that Applicant has made out a case for the granting of the relief sought herein.

50. In view of what has been outlined above, this Honourable Court is humbly requested to grant the Order sought in the Notice of Motion pre-fixed hereto.

L.m.


LULAMILE NTONZIMA

I hereby certify that the Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed before me at Mthatha on this 16th day of April 2021, the regulations contained in Government Notice No R 1648 of August 1977, having been compiled with.



COMMISSIONER OF OATHS



From the Office of the Vice-Chancellor &
Principal

Nelson Mandela Drive • Mthatha • 5100
Private Bag XI • Mthatha • 5117
Eastern Cape • Republic of South Africa
Tel: (+27) 047 502 2264 / 2260
Email: vc@wsu.ac.za / rsongca@wsu.ac.za

TO: The Registrar of the High Court & Dr L
Ntonzima in his capacity as the Acting
Registrar of Walter Sisulu University
(WSU)
PER: Electronic mail & filing

FROM: Prof R Songca – Vice-Chancellor,
Walter Sisulu University
PER: electronic mail: vc@wsu.ac.za &
rsongca@wsu.ac.za
DATE: 16 April 2021

Dear Colleagues,

RE: DELEGATION OF AUTHORITY

I confirm that:

I am the Principal & Vice-Chancellor of Walter Sisulu University and am duly authorised to sign this delegation authorisation instruction.

I herewith appoint Dr L Ntonzima, in his capacity as Acting Registrar of Walter Sisulu University, to be my lawful representative and agent in my name, place and stead to act on behalf of the University to interdict students or obtain alternative relief that the court deems fit in response to the recent student protests on the various WSU campuses.

Yours faithfully,

Professor R Songca

Principal and Vice-Chancellor

"L N2"

From: zameka ngoma <zamekangoma25@gmail.com>
Sent: Tuesday, April 6, 2021 9:07 PM
To: Nonibulelo Blaai <nblaai@wsu.ac.za>
Subject: MASS MEETING

Greetings Ms Blaai

As the SRC we are requesting an urgent Mass Meeting as soon as tomorrow.
Time: 12H00
Venue: TUCKSHOP

Regards
SRC

Mail - Oke Diego Yana - Out: X

outlook.office.com/mail/id/AAQkADUwYzdmZThtLWZkbnVhZmUuACBZGZlTEYzZjEjADPhitgACAHhIS7LZedhenJAWVWOFh0GSD

Apps: Mail Gmail Maps YouTube New Tab Downloads History

All mass meeting

Print X Cancel

Re: MASS MEETING

Nonibulelo Blaai <nblaai@wsu.ac.za>
Wed 4/7/2021 9:45 AM

To: zameka ngoma <zamekangoma25@gmail.com>; phiso mathentamo <phiso mathentamo@gmail.com>; Sipathando Denise <chapedenise@gmail.com>; AMANTHI NGQULATYA <210125904@wsu.ac.za>;
nthauw@wsu.ac.za <nthauw@wsu.ac.za>; oboqwana143@gmail.com <obqwana143@gmail.com>; sive sipeqa <sivesipeqa@gmail.com>

Cc: Refilwe! Soraqhe <boronqhe@wsu.ac.za>; Oke Diego Yana <odjyana@wsu.ac.za>

Dear SRC

We note your urgent request for the mass meeting, however, kindly furnish my office with the agenda or the purpose of the urgent request. What are the issues that triggered your office to request this urgent meeting, how do you plan to resolve them and what do you want to achieve from the mass meeting??

Noting the Covid-19 regulations and protocols it is unacceptable to make urgent requests for gatherings as we need approval from other service departments in adherence to these protocols. Remember we are still under lockdown, and we do not make requests for gatherings willy-nilly noting the covid challenge.

Regards,

Len

LM

To: Campus Rector

LN3

CC: VC and Student Affairs

From: CSRC Secretary Butterworth Campus

Date: 07 April 2021

MEMORANDUM: MASS ACTION!

From the day we entered the office we have been raising issues from campus level to Institutional level but there has been not a change. Students have been pressuring us to call a mass meeting but Student Affairs rejected it, today we had to seat a mass meeting with students of Butterworth campus so that they can pave

L.M.

W

a way forward since management has been fooling us, saying issues have been solved while students still can not register, Student Village is still messy, IT students still do not have IT labs, HOD'S of engineering specifically Dr Mkoko and Dlambula are very useless, Ms Richardson in faculty of Management and science is doing as she pleases, its a long list and management is aware of these issues

A mass meeting set today and students resolved that:

1. ADMISSIONS

We demand that the power of admissions must be brought back to HOD's and admit students manual.

L. 1000.



-Available spaces must be advertised so that student can apply manually and immediately be admitted so that they can register

Post graduates must be admitted and register.

2. REGISTRATION- DOWNPAYMANT/ AUTO PROMOTION/ SPECIAL CASES/

- The issue of auto promotion is very slow and students need to register, we then demand that all faculty officers must start working in GreateHall together with registration team, and a team from finance to unblock students.

L.m.



The submitted adjustments of special cases must be taken into cognizance.

4. RESIDENCE- VILLAGE AND PRIVATE RES

Student village must be properly maintained. the conditions are horrible since there is water at Butterworth.

5. GRADUATION

Student demand face to face Graduation

L. m.



6. FACULTY OF ENGINEERING

We do not want the faculty of engineering to be moved to East London. We demand that it stays in Butterworth.

7. ALLOWANCES- BOOK ALLOWANCE AND MEAL ALLOWANCES

- CFO must load allowances every Friday if a student have been registered and still qualify for NSFAS.

We demand that we get money for book

L.m.



allowances.

8. EDUCATION

We want the return of PGCE

9. UNFUNDED STUDENTS

We want the University to find alternative funds for students who will not be funded for 2021. Food and accommodation.

Z.NGOMA

CSRC

0834168672

h.m.



"LN4"

STUDENTS DEMANDS	CMC RESPONSES
1. Admissions	Advertisements for programmes that have not met their quotas closed on the 6 April 2021 and new offers are being made. The process of replacing admitted students who fail to register with waitlisted students is ongoing but will be intensified using the 48-hour rule. New admissions from the last advertised programmes as well as from waitlisted students will increase the pool of admitted students and hopefully improve the pace of registration.
2. Registration-Down payments/Auto promotion/Special Cases	<ul style="list-style-type: none"> • Auto-promotion: has been completed by all faculties. However, students who still experience registration problems are assisted by Faculties and Admissions Department on a case by case basis. • Registration: it has been agreed that a one-stop-shop arrangement in the Great Hall will be set up to allow all registration role players including finance to provide assistance to students as required. • Financial Clearance: CFO to delegate to Siya (BTW NSFAS office) to do students eligible for clearance and list to be sent to Zazi (Institutional Office) for review and DD Finance Butterworth to clear three (3) times daily. • Special Cases: the preamble relating to students appearing for the special cases for the second time will be adjusted if agreed as submission by the CFO's office through ISRC to Council.
3. Residence-Village and Private Res	On the 12 April 2021, Campus OPS & ICT, ED: OPS & ICT, his Project Team and service provider Mpumalanga Construction met at student village following an urgent call from ED: OPS & ICT to assess and provide the following:

[Signature]

L. van.

[Signature]

	<ul style="list-style-type: none"> • Supply and Installation of doors (all external and those internal doors identified to in need of repairs). • Supply and Installation of curtains and curtain rails in all student rooms. • Repairs of plumbing, electrical and other carpentry works (shelves, cupboards, etc.)
4. Graduation	Institutional matter (see item no. 10 of the Resolutions document for the IMC & ISRC Meeting 09/04/2021)
5. Faculty of Engineering	Institutional matter
6. Allowances-Book Allowances and Meal Allowances	Allowances for students that are registered and have confirmed funding with NSFAS will be processed every Friday. Students will be required to pay for digital devices over two years – 50% in 2021 and 50% in 2022. The balance will be payable to students in cash as book allowances.
7. Education	<ul style="list-style-type: none"> • PGCE has not been phased out but it is no longer offered part-time. It used to be offered using a full-time and a part-time mode. The full-time offering, which accommodated students who had done ND: ABET, is still offered. However, the one that used to be offered part-time which accommodated students from other faculties, is the one phased out; this is strategic and necessary. Proper channels were followed for doing this and the institution which is the owner of the programmes approved this. • There are benefits to this decision. The top most of these is quality informed. If we are serious about maintaining the quality of our academic project we need to appreciate that the part-time PGCE, when offered by FED, Butterworth Campus, exposes the university to huge un-mitigatable risks, the first

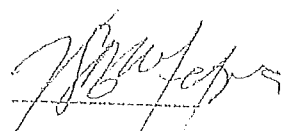
10/10/2021 12.00

[Handwritten signature]

	<p>of which being that of admitting students coming from other faculties who do not meet the programme requirements. Most of the students who were coming to this programme did not meet the admission requirements and would be advised to register in other faculties or universities to do the required courses but they would not heed the faculty advice. They would only do the modules necessary for them to meet their programme requirements and thereafter expect to graduate once they complete PGCE, ignoring their deficit at the entry point. This could cause the university to lose the accreditation.</p> <ul style="list-style-type: none"> ◦ Further than this, the department offering this programme has introduced a new qualification, B Ed in Foundation Phase Teaching, to replace the par-time PGCE. This means the lecturer workload does not allow for the two programmes to be offered together. Continuing to offer PGCE part-time would increase the already high number of part-time lecturers from 20 to perhaps 24 or so. This would mean a ratio of 5 part-time lecturers to every full-time lecturer. ◦ In conclusion, offering PGCE part-time in Butterworth at the moment is a huge and unnecessary risk given that the faculty does offer PGCE albeit on a full-time basis.
8. Unfunded Students	<ul style="list-style-type: none"> ◦ Unfunded students can be allocated to Residence on payment of MIP (owned residences R10 000 and 100% of the annual amount for leased residences. ◦ The Department of Student Affairs will seek assistance from the Institutional MCA and Council

L.M.

	to be able to assist needy students, as currently there is no fund allocated for such a purpose.
--	--------------------------------------------------------------------------------------------------


Prof VSB Mtetwa

L. m.



MSN - Microsoft Outlook - Out X X

outlook.office.com/mail/search/9b4AAQIADFF1h4b1k1TH1W5b1pZJ0H1ADA27S1b0V761Hq-Vjg0r1G12H12U13126631d1b1572B0812F570b1h1V1h1K1D1V13D

App: 1-1 Gmail Maps YouTube OneDrive Downloads History

All ← IMC ✓

Print or share

(No subject)

phelo.maffiantang <phelo.maffiantang@gmail.com>
Wed, 14 Jul 2021 5:24 PM
To: Victor Michael <victor.michael@yale.edu>; Barbara's Sonnet <barbaras@yale.edu>;
Col. Rudolph Sonnet <sonnet@yale.edu>

Good Morning Prof

As promised we would after reconvening students get back to you on the way forward from the response we got from the CMC.

We as the SRC had sent 8 items in our memorandum, in which there are some that were referred to the IMC.

Admission
The resolution to bring power back to HOD is satisfactory we only hope that it will be implemented.

Registration
The SRC is satisfied with the registration being moved to the great hall and all stakeholders being stationed there to help students who find difficulties with registration.

The unclear part however is with the department of finance. Considering that one of the steps that we need to take to unblock a student is not on campus. That then leaves a question as to will a student be able to leave the great hall registered.

STUDENT VILLAGE
We have been closely monitoring the student Village issue and to our disappointment no actual construction work has commenced and windown have turned back due to them being wrongly measured.

GRADUATION
FACULTY OFFICER ENGINEERING

Graduation and the faculty of engineering issue is an institutional matter and the CMC had put the matter up to be discussed on an IMC level. We are patiently waiting for and IMC invite to get the matter resolved.

We are still also waiting for a written response from the office of the CFO as we had discussed in the CMC meeting on the issue of pricing of the laptop and the implementation of NSFAS guidelines.

UNFUNDED STUDENTS
This response is no a response we can take to our masses as it is unclear and gives an indication that the office of student affairs has no plan in assisting needy students. We request that The office of student affairs have a concrete answer for us and we are even willing as the SRC to write letters to companies to assist students who are not funded but needy to be funded with food and accommodation.

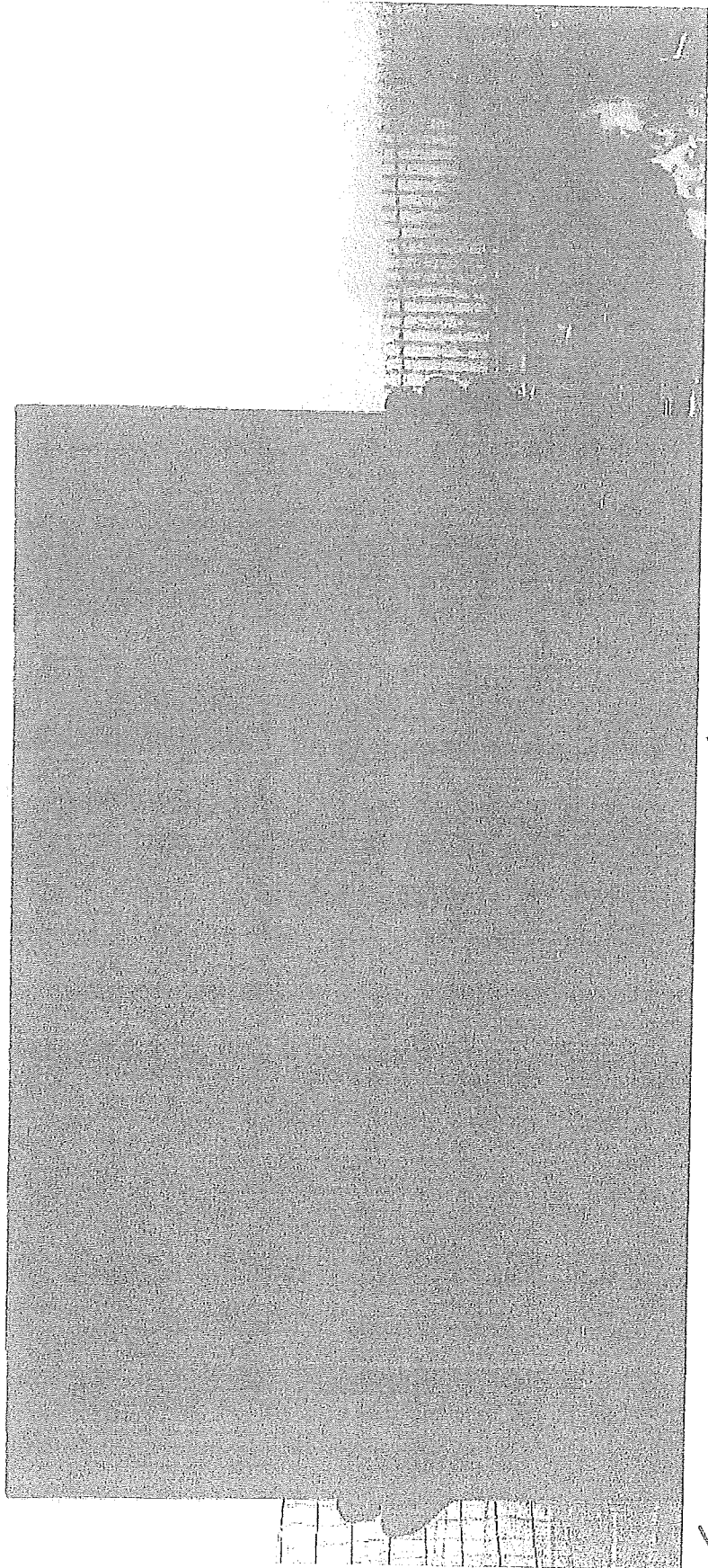
PGCE
We seem not to get each other on this matter. PGCE is only for ABET students. We are not requesting for part time to come back but rather for full time to be introduced to students who are coming from other courses but choose to venture to the stream of education.

SPECIAL CASES
Again this is a matter of IMC as the CMC had indicated. the CMC had put a proposal to the CFO and the CFO was to have a written response. VSU is moving to Moodle, see <https://tinyurl.com/vsunoodle> for more details. This email and all contents are subject to the following disclaimer:
https://www.vsu.ac.za/index.php?option=com_content&view=article&id=327

L. m.

11

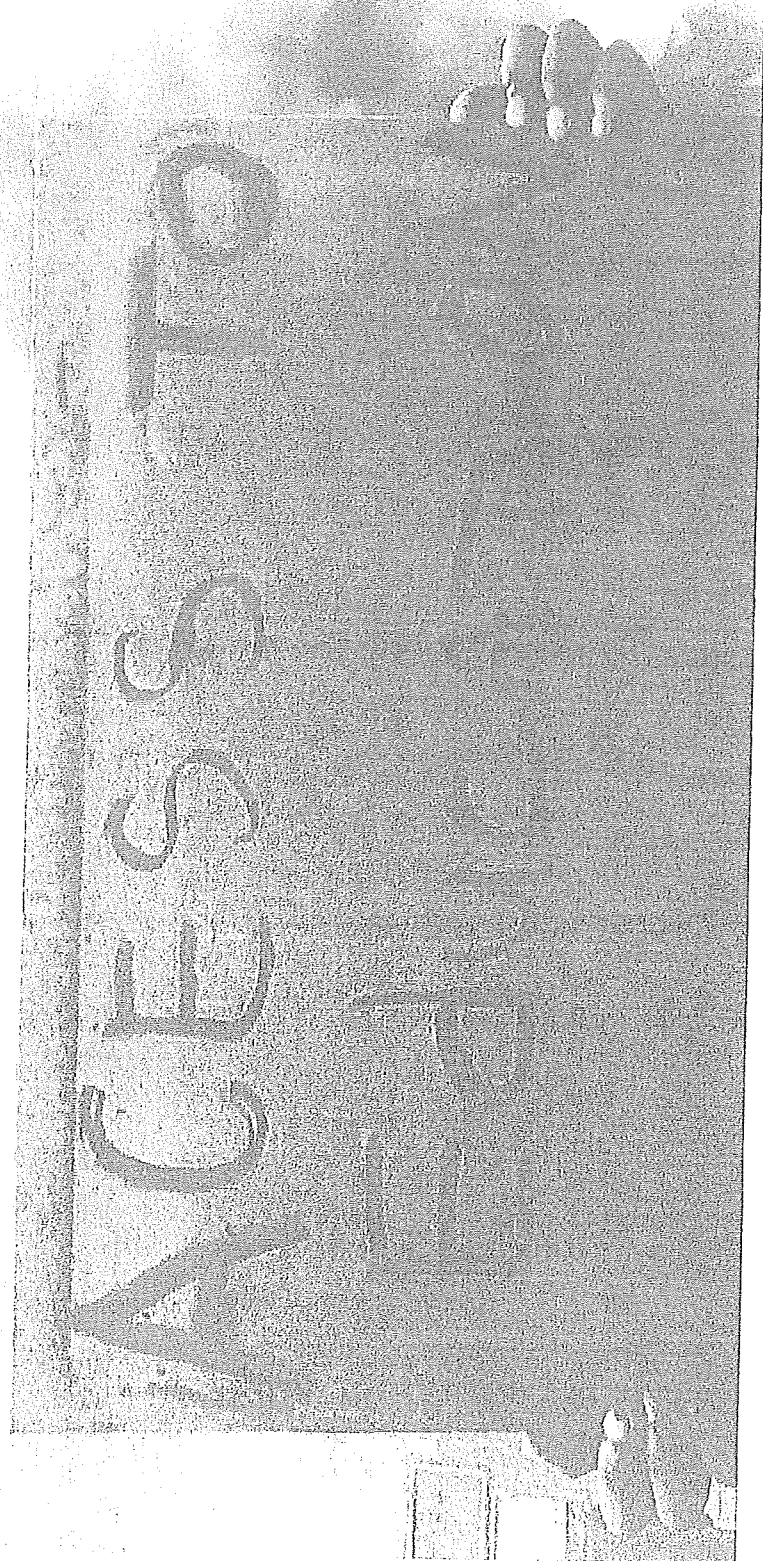
10
LN6(a)²



1

6.01

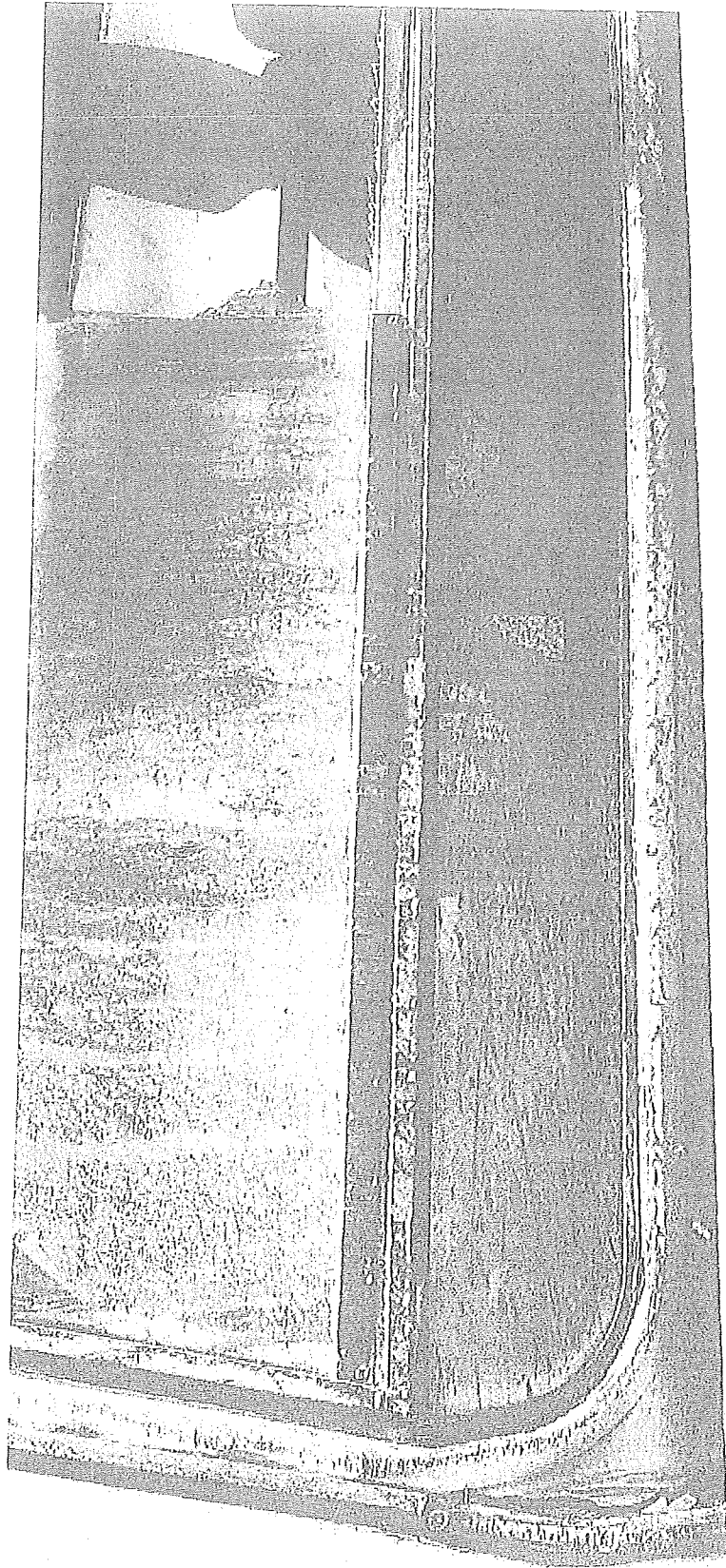
"(b)"



L. m.

WY

"(C)"

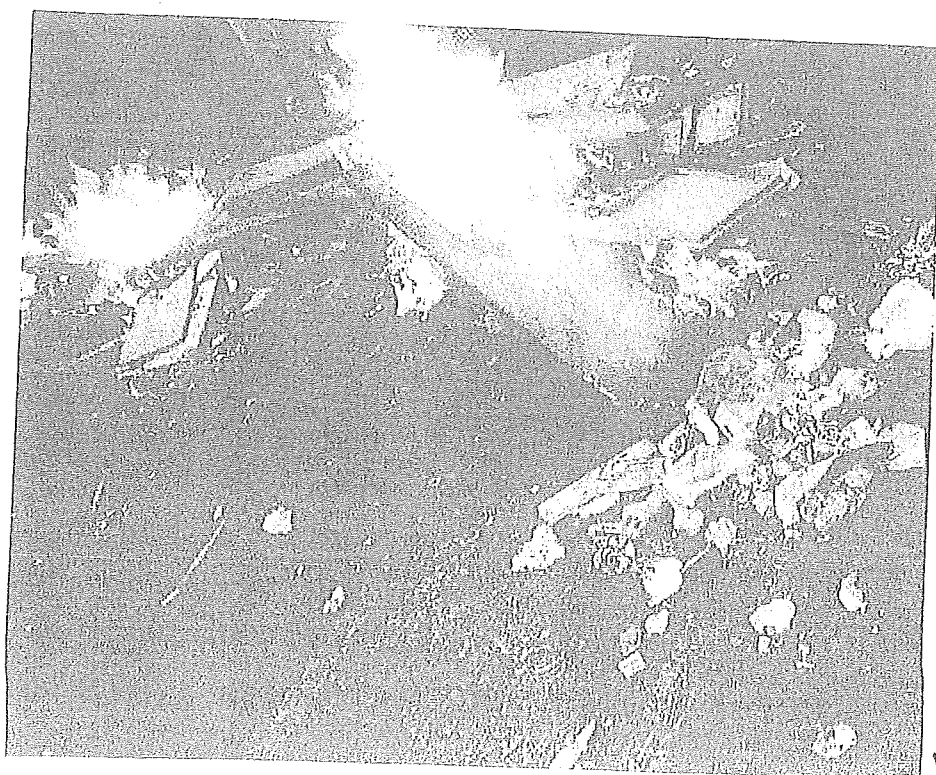


• AUCI I

M

Low

"CDV"



L. 11.

11

16/04/21
14635

IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE LOCAL DIVISION, MTHATHA

CASE NO. 1649 / 2021

In the matter between:

WALTER SISULU UNIVERSITY

Applicant

and

STUDENT REPRESENTATIVE COUNCIL OF
WALTER SISULU UNIVERSITY

First Respondent

PHELO NOCAMAGU MATHENTAMO

Second Respondent

ZIZIKAZI ZAMEKA NGOMA

Third Respondent

NHLANHLA KHAWULA

Fourth Respondent

AVUYILE BOQWANA

Fifth Respondent

SIVE SAPEPA

Sixth Respondent

SIYAMTHANDA DANISA

Seventh Respondent

ANATHI NGQULATYA

Eighth Respondent

ALL UNKNOWN STUDENTS OF WALTER SISULU
UNIVERSITY ENGAGING IN UNLAWFUL ACTIVITIES
IN THE APPLICANT'S BUTTERWORTH CAMPUS

Ninth Respondent

THOSE PERSONS ENGAGING IN OR ASSOCIATING
THEMSELVES WITH UNLAWFUL ACTIVITIES ON THE
APPLICANT'S CAMPUS

Tenth Respondent

DRAFT ORDER

BEFORE:

THE HONOURABLE JUSTICE

MAKULA J

ON: 16 APRIL 2021

FOR APPLICANT: Advocate M. Mayekiso

FOR RESPONDENTS:

Having heard Counsel and having read the papers filed of record it is hereby ordered that:



1. This application is urgent and an order dispensing with the forms, service and time periods prescribed in terms of the **Uniform Rules of Court** (the Rules) and directing that the matter be heard as one of extreme urgency in terms of **Rule 6(12)** and in terms **Rule 6(4)** of the Rules is hereby issued.
2. An order dispensing with the citation requirements of **Rule 6(2)** of the rules in respect of the respondents is hereby issued.
3. A rule *nisi* is hereby issued in terms of which the respondents are called upon to show cause on **25 May 2021** why an order in the following terms should not be made a final order of the above Honourable Court:
 - 3.1 Restraining the respondents from participating in, encouraging, facilitating and/or promoting any unlawful activities on the campus of the applicant which activities shall include, but not be limited to:
 - 3.1.1 Interfering with access to, egress from and the free movement on the applicant's campus of all members of the Walter Sisulu University community and all others who have lawful reason to move on to, off and upon the said campus.

3.1.2 Disrupting, obstructing or in any other manner interfering with the academic processes of the applicant, which shall include but not be limited to lectures, tutorials, practical tests and use of the applicant's library facilities and laboratories.

3.1.3 Interfering and threatening the academic staff, administrative staff and service providers of the applicant while on the applicant's campus.

3.1.4 Causing any damage to the applicant's property.

3.2 an order directing that the respondents pay the costs of this application jointly and severally the one paying the other to be absolved.

4 It is ordered that paragraphs 3.1 to 3.1.4 shall serve as an interim interdict against the respondents until the return date.

5 Service of the court order:

5.1 by the Sheriff and where necessary with the assistance of the South African Police Services on the respondents by reading out the order by a loudhailer at the applicant's campus.

5.2 by placing a copy of this Notice of Motion and Order of Court on the Walter Sisulu University webpage.

5.3 by emailing a copy of the application directly to the first respondent.

5.4 by affixing copies of this application to various notice boards at the main entrances and notice boards at the applicant's campus.

BY ORDER OF COURT



REGISTRAR



IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE LOCAL DIVISION, MTHATHA

CASE NO. / 2021

In the matter between:

WALTER SISULU UNIVERSITY

and



Applicant

STUDENT REPRESENTATIVE COUNCIL OF
WALTER SISULU UNIVERSITY

First Respondent

PHELO NOCAMAGU MATHENTAMO

Second Respondent

ZIZIKAZI ZAMEKA NGOMA

Third Respondent

NHLANHLA KHAWULA

Fourth Respondent

AVUYILE BOQWANA

Fifth Respondent

SIVE SAPEPA

Sixth Respondent

SIYAMTHANDA DANISA

Seventh Respondent

ANATHI NGQULATYA

Eighth Respondent

ALL UNKNOWN STUDENTS OF WALTER SISULU
UNIVERSITY ENGAGING IN UNLAWFUL ACTIVITIES
IN THE APPLICANT'S BUTTERWORTH CAMPUS

Ninth Respondent

THOSE PERSONS ENGAGING IN OR ASSOCIATING
THEMSELVES WITH UNLAWFUL ACTIVITIES ON THE
APPLICANT'S CAMPUS

Tenth Respondent

CERTIFICATE OF URGENCY

I, the undersigned,

MZIMKHULU MAYEKISO,

An Advocate of this Honourable Court do hereby certify:

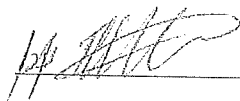
1. That I have perused the notice of motion and founding affidavit with its supporting documents filed in support of this application;
2. That I have found the application of sufficient urgency as to warrant non-compliance with the normal rules of the High Court and that same be heard on an urgent basis.
3. The reasons for the urgency relate to the potential irreparable harm should the continuing violent student strike action at Walter Sisulu University's Butterworth Campus be allowed to continue.
4. For the sake of completeness the grounds of urgency can be summarised as follows :

- 4.1 Applicant is Walter Sisulu University, a registered and recognised institution of Higher Learning in terms of the laws of the Republic of South Africa which is a juristic person in terms of its founding statute;
- 4.2 The Respondents are students at the institution of the applicant, including the Student Representative Council and student leaders that are operating inside the institution;
- 4.3 The respondents have engaged into an illegal and violent strike which started on Monday 12 April 2021;
- 4.4 The immovable property of the applicant being the kitchen and dining hall has been broken into and food was looted;
- 4.5 The maintenance hall building has been broken into and windows have been vandalised by the respondents in the aforesaid building;
- 4.6 The protesting students are throwing stones and other dangerous objects at staff village quarters where some Campus employees stay with their families. They have also barricaded the entrance to the staff residence such that the staff cannot move in or out of their residence and obstructing staff children not to go to school, and the staff members who are residing inside the campus staff quarters are unable to do other family daily businesses. Medical needs of staff with chronic medical conditions have been severely and negatively affected as they are unable to seek routine attention from close Medical Centres.
- 4.7 There are constant threats of violence and assault directed at staff members by the respondents.
- 4.8 They continue to burn tyres in front of Campus Main Gate which has been barricaded using the University desks and other moveable asset, doing this illegally.
- 4.9 They are blocking administrative support given to Grade 12 pupils who still seek admission at the University at first year level.
- 4.10 They are attacking contracted companies doing their routine work on Campus by pelting them with stones and blocking their access to the campus.

- 4.11 They are waging a direct intimidation and using other social media platforms to intimidate and insult Campus staff members who are meant to assist to develop or handle their queries that need administrative functioning.
- 4.12 All of these attacks happen despite management's efforts to resolve their demands particularly that are within University control and powers.
- 4.13 The resolution of this matter requires urgent attention for a number of reasons:-
- 4.14 Under all the circumstances, the applicant has acted with the necessary haste and has brought this application at the first available opportunity and I submit that this application is sufficiently urgent to proverbially jump the queue so that it can be heard on an urgent basis.
- 4.15 If the applicant does not stop the illegal invasion referred to above by urgently instituting these proceedings, by the time that the present proceedings are instituted in due course and within the normal time limits as directed by the Rules of the above Honourable Court, the respondents will have damaged more property.
- 4.16 There is a potential danger of more destruction of university property and moreover there is a serious potential of assault and even death as staff members are being intimidated with acts of violence including those aimed at family members of staff.
- 4.17 There is an ongoing destruction of university property and this is a serious transgression which cannot be allowed to continue without some urgent intervention in the form of the instant proceedings.
- 4.18 University operations have been unlawfully disrupted and this state of affairs cannot be allowed to continue unabated.
- 4.19 All attempts to resolve the impasse were in vain;
- 4.20 Service delivery needs and the core business of applicant has been adversely affected due to the illegal violent strike;

- 4.21 Any further delay will defeat the object of this application, especially the interim relief suspending the illegal and violent strike action;
- 4.22 The prejudice to the Applicant, should this matter be delayed, is potentially enormous and may have far reaching consequences.
5. The full grounds which render the matter urgent are dealt with in Applicants' founding affidavit under the headings damage and Urgency at pages 21 to 36;
6. It is in the best interest of the Applicant that the matter be dealt with as one of urgency in accordance with the uniform rules of this Honourable Court.

DATED AT EAST LONDON ON THIS 15TH DAY OF APRIL 2021.



ADVOCATE MZIMKHULU MAYEKISO
BHISO SOCIETY OF ADVOCATES
ASANTE ADVOCATES' CHAMBERS
10A DAVIDSON STREET
BEREA
EAST LONDON

DATED AT EAST LONDON ON THIS 15th DAY OF APRIL 2021.



MBABANE & MASWAZI INC

Applicant's Attorneys

No.1 Stanley Nelson Drive

MTHATHA

Tel: 043 726 0058

Fax: 043 721 0507

Email: mbabane@mslawyers.co.za

Ref: Mr Mbabane

TO : THE REGISTRAR

High Court

MTHATHA