

**REPORT ON THE  
INVESTIGATION INTO  
THE DROWNING OF  
THE LATE  
THABANG GODWIN  
MAKHOANG  
AND RELATED  
MATTERS**

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# REPORT ON THE INVESTIGATION INTO THE DROWNING OF THE LATE THABANG GODWIN MAKHOANG AND RELATED MATTERS

## MANDATE:

1. On 16 February 2012 during a meeting with:
  - 1.1. the Vice Chancellor of the North West University, Dr T Eloff;
  - 1.2. the Campus Rector of Potch Campus of the University, Professor H van Schalkwyk;
  - 1.3. the Acting Institutional Registrar, Mr F du Preez; and
  - 1.4. a Senior Legal Advisor of the University, Mr W Coetzee, who was to act as our liaison officer for the purposes of this investigation;

we received a written mandate: *“To conduct a comprehensive independent investigation into the death of Mr Thabang Godwin Makhoang, a first year student at the Potchefstroom Campus of the North West University.”*

2. The terms of reference for the execution of the investigation read as follows:

*“1. To investigate, report, and make findings and recommendations with regard to:*

- 1.1 *The circumstances surrounding the death of Mr Thabang Godwin Mokhoang during a fruit festival event at the Fanie Du Toit sports ground at the Potchefstroom Campus of the North West University on 21 January 2012;*
  - 1.2 *The question whether his death occurred during an event in terms of the official reception and orientation (sic) program or during a so-called “initiation process”;*
  - 1.3 *The organisation, implementation, content and activities of the 2012 Reception and Introduction program for the first year students of the Potchefstroom campus of the North West University;*
  - 1.4 *The existing rules, policies and conduct that avails in this respect at the North West University in order to account whether counsel and management had fulfilled its obligations and/or whether any changes are necessary;*
- 
2. *In order to arrive at this report, to determine its own modus operandi, and to receive the assistance of management in ensuring that all pieces of evidence (including reports, minutes, affidavits, statements) are provided, that all interviews and hearings are organised and that all other administrative and logistical support is provided;*
  3. *To investigate any other matter related to the incident and which the committee may deem important and relevant;*
  4. *To submit its report to the Vice Chancellor by no later than 15 March 2012; after which the report will be submit to*

*council, to be discussed at an appropriate time and opportunity;*

5. *To be constituted as follows:  
Advocate Lourens de Koning SC – Chairperson  
Advocate Vusi Pikoli.”*

### **INTRODUCTION:**

3. During the meeting referred to hereinbefore, we were informed that the South African Police had already opened a docket and investigated the matter. Alerted by this information, we contacted the investigating officer to ascertain whether:
  - 3.1. we could be furnished with a copy of the entire docket content and, if not;
  - 3.2. we could obtain at least a copy of the post-mortem report and a list of the names of the State witnesses, so as to avoid consulting with State witnesses lest we later be accused of either tampering with State witnesses or defeating the ends of justice.
4. Despite initial promises of copies of the entire docket content, nothing was forthcoming and as will be dealt with more fully hereinafter, the failure of the authorities to oblige hampered the investigation, however, to a limited extent.
5. Our liaison officer furnished us with copies of statements taken by Campus Security from various members of the University personnel and students, which were extremely helpful and which we believe have been

- retyped verbatim by the South African Police, signed by the deponents, commissioned and included in the police docket.
6. Over and above studying the 24 statements of the deponents, we also studied the hand written notes of some 43 first year residents of the Ratau Lebone Hostel, who attended the fruit festival on 21 January 2012, and who ostensibly wrote the notes in their own handwriting at the request of members of the House Committee shortly after the tragic event.
  7. We further conducted interviews with 32 individuals (*inter alia* the State Prosecutor dealing with the matter), some of whom were interviewed more than once and attended an inspection in loco where pointings out were made to us by Mr Jac van Vuuren of Campus Security.

A note containing the dimensions of the pool is attached and marked **Annexure "A"**.

8. We initially felt ourselves to be at a disadvantage, not being able to interview people who we with reference to the statements received from campus security, assumed to be State witnesses, we later came to the conclusion that the information to which we had unfettered access read with the statements at hand proved to be adequate for us to make the required findings.

**BACKGROUND OF THE DECEASED, HIS APPLICATION FOR ADMISSION TO THE NWU AND HIS ARRIVAL:**

9. The deceased was born on 29 July 1992, grew up in the North West Province in the Tsweleng Township in the district of Wolmaranstad where he ostensibly lived with his grandparents, while his mother, a domestic worker lived in Krugersdorp, Gauteng.

10. The deceased matriculated with full exemption at the end of 2010, after attending the Beabona Secondary School in Tswelelang, achieving the following marks in the final exam:

Setswana, Home language	62%
English, First additional language	76%
Mathematics	84%
Life Orientation	81%
Geography	58%
Life Sciences	72%
Physical Sciences	69%

11. During May of 2011, the deceased, on the prescribed form, applied for admission to the North West University, unfortunately he did not complete that part of the application form which required of him to indicate the "*Preferred language for correspondence*". It, however, turned out that the bulk of the correspondence addressed to him was nevertheless in English.
12. On 13 May 2011, the R150.00 application fee was deposited into the NWU's account ostensibly to secure consideration of the deceased's application.
13. On 17 May 2011, receipt of the application was acknowledged by the NWU and on 31 May 2011, a letter was addressed to the deceased alerting him thereto that the "*Person responsible for account (mother), neglected to sign the undertaking*".
14. On 17 June 2011, the undertaking was duly signed by the deceased's mother and on 24 June 2011, the deceased was in writing *inter alia* informed that the NWU was in receipt of his application, (clearly denoting

the complete application), of the medium of tuition being Afrikaans, however, with simultaneous interpretation in the case of B.Eng., that application may be made to write tests in English and of the selection conditions for the B.Eng. degree.

15. On 11 July 2011, the deceased wrote the relevant test to be selected for the degree B.Eng. Mechanical, and upon completing same he was handed a letter *inter alia* informing him of the selection process, as well the fact that the selection results would be published on the internet on Wednesday, 27 July 2011 from 11h00, with his allocated student number to be the password.
16. On 19 August 2011, the deceased was by letter informed by the Academic Administration: Admissions of the NWU that his application for admission to the B.Eng. had been approved.
17. On 23 September 2011, the Head – Campus Residence (Potchefstroom), in writing, informed the deceased that he had been allocated residence accommodation in Ratau Lebone (which incidentally was his first choice as indicated in his application for admission to the NWU), and further that:

*“First-year students will be received and welcomed on the campus on Saturday, 14 January 2012. Should circumstances necessitate you to move into the residence at an earlier date (e.g. attending the church camps), an arrangement must be made with the house master/mistress or the primaria of the residence.*

*Should you wish to cancel your reservation for accommodation, you have to do so in writing on or before 31 December 2011.”*

We were furnished with a copy of the distribution/ mailing list to confirm dispatch of the said letter to the deceased at his chosen address as per the application for admission.

18. On a date between 23 September 2011 and 15 November 2011 (the exact date could not be determined without consulting Herman Botes (Botes), a vice primarius of Ratau, holding the Portfolio “*eerstejaars voog*” (first year guardian), who is a State witness, all Ratau 2012 first years were sent the following documents by Botes:
  - 18.1. An “*Aanmeldingsvorm/Intake Form*”. This is a bilingual document;
  - 18.2. A “*Ratau Lebone Algemene Inligting*” form depicting the layout of the allocated room of the first years students and other information such as what could and/or should be brought along to residents. This document appears to exist in Afrikaans format only.
  - 18.3. A “*Belangstellingsvraelys*” which provided for the attachment thereto of an ID-photo of the recipient and which prominently, at the top of the first page thereof, was printed “*Stuur terug voor/op 15 Desember 2011*”. Save for the first two thirds of the first page, which is in Afrikaans only, the document is bilingual;
  - 18.4. A “*Ratau Lebone Eerstejaarsboekie*” containing photos of the house parents and their family, the entire house committee, the residence official and other information such as the “*Koshuislied*” of Ratau etcetera. This booklet seems to exist in Afrikaans format only;
  - 18.5. Two envelopes addressed to Herman Botes, 257 Cradock Avenue, Lyttelton Manor, Centurion, 0157. The envelopes we assume were intended for the return of the completed Intake Form and the

*“Belangstellingslys”*. Why two envelopes were supplied is in the absence of consultation with Botes, not clear;

19. The fact that an Intake Form, duly completed in manuscript and dated 15 November 2011, detailing the deceased’s particulars and a duly completed *“Belangstellingsvraelys”*, to which was attached a photograph of the deceased, was filed of record with the NWU administration warrants the unassailable inference that the deceased was sent the foregoing documents, received same, completed the aforesaid two documents, and returned same to the Potch Campus Administration.
20. On 30 November 2011, an English version of the PUK guide 2012 was dispatched to the deceased at his chosen address and we again received a copy of the mailing list confirming dispatch thereof to the deceased.
21. It is necessary to, at this juncture, record that:
  - 14 January 2012, the date for arrival of first year students and the commencement of the Reception and Introduction program (R & I program), is an important one; and
  - 14 January 2012, was also highlighted in the PUK guide at page 3 under the heading *“Important dates 2012”*, which in turn was referred to at page 1 in the Table of Contents as well as at page 62, where 14 January 2012 is stated to the commencement date of the R & I program, as well as the date upon which first years were to take up residence in campus residences.  
(Own emphasis)

22. The deceased, without notifying either the University Administration or the Residence Management of Ratau, failed to either report to the University, or take up residence at Ratau on the 14<sup>th</sup> of January 2012.
23. As alluded to hereinbefore, the R & I program commenced on the 14<sup>th</sup> of January 2012 and on Monday, 16 January 2012, ostensibly on account of a report by the House Committee of Ratau to Residence and Catering Services, who in turn reported the failure of all “*strategic students*” (more will be said about this phraseology *infra*) to turn up, (included amongst those was the deceased) to the Marketing and Communication Department in the persons of Mr Theo Foutie and Mrs Kathleen Foutie for follow-up.
24. We were handed an “*Aanmeldingsvorm/Intake Form*” duly completed, ostensibly in the deceased’s handwriting which we were led to believe all first year students completed upon arrival at the Ratau hostel (This again could not be verified with Botes).
25. The strange feature of this document is that it is dated “15/11/11” which is at odds with the fact that the first year students of Ratau that were interviewed, seemed to remember that they completed such documents upon their arrival at the hostel.
26. The deceased, however, sat for the ALT test on 17 January 2012 (the exact time is uncertain, save to state that the R & I program provided for Ratau residents to have taken the test between 10h50 and 12h20). We were favoured with the original of the deceased’s test paper, which contains the date 17 January 1012 in manuscript, again on the face of it in the deceased’s own handwriting.

27. There are conflicting versions as to when the deceased first arrived at the hostel, some say he arrived on Tuesday, the 17<sup>th</sup> of January, others that he only arrived on Wednesday the 18<sup>th</sup>, we are however, of the view that not much turns on this discrepancy.
  
28. The fact of the matter is that whenever the deceased arrived, he seemed somewhat unprepared to stay on in the residence in as much as it appeared during interviews with those who had contact with him, that he had very little belongings with him, and for instance did not have bedding, a towel and possibly the necessary toiletries when he arrived at the residence. The deceased further intimated to fellow first year students that he was intent on returning home to fetch his required belongings.
  
29. We were during interviews informed:
  - 29.1. that the deceased never alerted the hostel management (either the house parents or the house committee) nor the Residence Official so as to elicit the support which we were informed was available to students in need;
  
  - 29.2. that the deceased was, however, assisted by fellow first year students and the cleaning staff of Ratau who assisted him with the supply of bedding, a towel and other essentials for the time being;
  
  - 29.3. by fellow first year students that the first year guardian (Botes) was at all relevant times available and accessible to first year students who encountered problems and was perceived to be a rather compassionate and amenable person, always prepared to assist;
  
  - 29.4. by both the House Master and the Residence Official of Ratau that, had they known that the deceased was either not properly prepared for immediate taking-up of residence in the hostel upon his arrival

or that he was in need of resources, the University or the residence would most definitely have stepped in and resolved whatever difficulty the deceased had encountered;

- 29.5. by fellow first year students that they, despite perceiving the deceased's unpreparedness and/or lack of required belongings, for the sake of not embarrassing him, did not discuss same either with himself, the hostel management or the Residence Official;
30. The period 17 January to 20 January 2011 was save for the rolling out of R & I program in the normal course relatively uneventful and not investigated in much detail other than to establish that the program as per the PUK guide seems to have been a fairly busy one, and that as far as the goings-on in the Ratau Lebone hostel were concerned, the first years were every night instructed to take their mattresses and bedding to the hostel hall where they all slept together for the duration of the R & I program. This was done in order to breed a feeling of solidarity and unity amongst the first years, which would be in keeping with their hostel slogan "*Almal vir een en een vir alma*" or words to that effect.
31. Without professing to be either equipped or able to do so, particularly without the assistance of professional opinion (obviously formed only after proper consultation with and evaluation of the deceased), we express no opinion on the personality type or traits of the deceased. His fellow students who were interviewed, however, described him as a somewhat shy person, but jovial and one who on the face of it, enjoyed the events forming part of the R & I program in which he took part. Another opinion aired was that his history of involvement in his community during at least 2011 and during his school career, warrants the inference of a leader with a matching personality.

**21 JANUARY 2012, FRUIT FESTIVAL AND THE RUN-UP THERETO:****ARRANGEMENT OF THE FESTIVAL:**

32. The fruit festival was part of the formal 2012 R & I program and has been part of the R & I program for a number of years.
33. Two members of the R & I committee (students) were mandated to arrange the festival, particularly the use of the required sports facilities and related matters.
34. A formal application was lodged with the appropriate authorities on the 20<sup>th</sup> of January 2012 for the use of three rugby fields at the Fanie du Toit sports facilities from 13h00 to 18h00 on 21 January 2012, which, *ex facie* the application form was to include the time for preparation and clean up. The time slot reserved for the festival in the official R & I program for 2012 was 14h30 – 16h00.
35. Although the application was done by means of a printed form, which in terms requires same to have been filed with the appropriate person at technical services 30 days before the date of the proposed event, and that same was branded by the relevant official as being out of time, nothing turns on the fact that the application was made a mere day before the scheduled event.
36. It transpired that:
  - 36.1. it was in any event the incorrect application form that was used (the form used is the one designated for applications for the use of University facilities by persons or institutions not related to the NWU);

- 36.2. The Director of the Sports Bureau, who ultimately authorised the use of the facilities made it clear during an interview with him that the fruit festival was, to his knowledge an annual event, part of the annual R & I program, the 30 day notice rule was not a rule of Meeds and Persians, as the notice period served simply to avoid “*double bookings*” in respect of the same facilities and non-compliance did not pose any problem on the particular occasion.
37. The two organisers of the event could not be interviewed as both of them are so-called State witnesses but their detailed statements made to NWU Security Services were available to us.
38. From the said statements, the first-hand information obtained through interviews with eye witnesses of the event who were present at the festival, both at the rugby fields and at the swimming pool where the drowning occurred, and the paper trail of the e-mails sent to the various departments at the NWU informing them of the proposed event when authorisation for the use of the facilities was sought, it could be conclusively established that the following safety and/or emergency measures as well as Safety Officers were at all relevant times in attendance:
- 38.1. Six members of Ingryp, the Potchefstroom Campus Crisis Line and Counselling Centre, comprising the head of the centre and five interns (the names of which are available on request);
- 38.2. Six PUK Emergency Service members (the names of which are likewise available upon request). These members were paired off with the six Ingryp members, the pairs acting in concert at all times during the festival, rendering services:

- at the tent, pitched at the rugby fields and from where all emergency services for the activities there were to be coordinated and rendered;
- at the demarcated areas on the three rugby fields where the fourteen pairs of hostels, taking turns physically engaged in “*battle*”, smearing one another with fruit;
- at the swimming pool, initially awaiting the arrival of the first batch of students while the actual fruit festival was underway and for the duration of the swimming part thereof which for all intents and purposes was both a fun and rinsing exercise to wash off the fruit remnants from the participants in the smearing of each other with watermelon and other fruits;

38.3. Twenty eight peer helpers, comprising a senior student from each of the twenty eight residences on the campus, plus a manager.

These students, we were informed, were selected during the preceding year and trained to help control the first year students, lend assistance wherever same was needed, and to keep a watchful eye for any person in distress or generally in need of help throughout the event;

- 38.4. All but one of the twenty six members of the R & I committee, of which two are so-called medical volunteers, trained and designated to focus on the co-ordination of emergency services and first aid during the course of the R & I program. (The names are available upon request).
- 38.5. More than one ambulance and six to seven staff members of ER24, a private enterprise rendering ambulance and emergency services for gain. The basis for attendance of the ER24 ambulances and staff at NWU-related events is somewhat uncertain.

It was during interviews by some of the interviewees suggested that the NWU had an agreement in place with ER24, however, no such agreement could be produced despite enquiries with Emergency Service and the head of the sick bay. Other interviewees on the other hand, expressed the view that ER24 were “*ever present*” in the whole of Potchefstroom and particularly at all events on campus, which they are thoroughly kept apprised of through informal communications, the origins of which are not always known.

The reason proffered as to why ER24 is not formally engaged, appears to be a perception that they are on equal footing with the well-known tow-in-services, always too eager to “*casavac*” any injured, regardless of the nature and seriousness of the injuries only to render a huge account thereafter, which invariably gives rise to disputes as to who should pay same.

Be that as it may, there were at least two ambulances, perhaps even more, in close proximity of the swimming pool on the fateful day, one apparently at all relevant times parked immediately

outside the entrance to the pool area, the other initially at the rugby fields, which later, after the last students had departed from there, also relocated to the swimming pool area.

**THE DROWNING INCIDENT:**

39. The finding required to be made in respect of this matter lies at the proverbial heart of the investigation and needs to be premised by:

39.1. the fact that no evidence was taken under oath, only interviews conducted with prospective witnesses, statements and other documents studied and an inspection *in loco* held by the committee assisted by the PUK Security Services' investigating officer;

39.2. the fact that no prospective witnesses were cross-examined;

39.3. the fact that conflicting versions on relevant matters were received. This, however, is to be expected and in keeping with human nature. The fact that divergent perceptions, observations and recollections of witnesses to the same incident are to be expected, is aptly demonstrated by a quotation from an article on credibility of witnesses written by the late Judge of Appeal, H C Nicholas and published in the 1985 South African Law Journal where the following is stated:

*“An early study at the beginning of the century was described by Professor Hugo Münsterberg, a psychologist of Harvard University*

*“There was, for instance, two years ago in Cottingen a meeting of a scientific association, made up of jurists,*

*psychologists, and physicians – or therefore, men well trained in careful observation. Somewhere in the same street there was that evening a public festivity of the carnival. Suddenly, in the midst of the scholarly meeting, the doors open, a clown in highly coloured costume rushes in in mad excitement, and a Negro with a revolver in hand follows him. In the middle of the hall, first the one, then the other, shouts wild phrases then the one falls to the ground, the other jumps on him; then a shot, and suddenly both are out of the room. The whole affair took less than twenty seconds. All were completely taken by surprise and no one, with the exception of the President, had the slightest idea that every word and reaction had been rehearsed beforehand, or that photographs had been taken of the scene. It seemed most natural that the President should beg the members to write down individually an exact report, in as much as he felt sure that the matter would come before the courts. Of the forty reports handed in, there was only one whose omissions were calculated as amounting to less than 20 percent of the characterisable acts; fourteen had 20 to 40 percent of the facts omitted; twelve omitted 40 to 50 percent and thirteen more than 50 percent. But besides the omissions there were only six among the forty which did not contain positively wrong statements; in twenty-four papers up to 10 percent of the statements were free inventions, and in ten answers – that is, in one fourth of the papers, more than 10 percent of the statements were absolutely false, in spite of the fact that they all came from scientifically trained observers.”*

*Such experiments have frequently been repeated, with equally striking results.”*

40. Our findings will therefore be based on a consideration and evaluation of all the available “evidence” against the backdrop of whatever corroboration or reliability guarantees could be found in the version of others, the available documents and last but not least, the probabilities.

**THE FACTS:**

41. The following facts are, save for discrepancies which are dealt with, common cause:
- 41.1. The R & I program required of the students to attend various locations on the campus, of which some are a substantial distance apart. In order to facilitate the orderly relocation from one venue to another, the custom has developed for first year students to, during the R & I move around campus in squads (*“pelotonne”*) like soldiers;
- 41.2. The falling-in into squads was also used to facilitate the taking of “roll call” in order to, every so often, check on the numbers of the students and to secure their attendance of the various events forming part of the program;
- 41.3. Roll call at Ratau was not always taken by actually calling the names of each of the first year students, instead, once a proper squad was formed, the house committee member in charge would call out *“number”* (or *“nommer”*). Thereafter the person either to the extreme left or right of the squad would call out *“one”*, the one behind him *“two”*, the next one *“three”*, going up and down the lines up to the last one in the squad, whereafter the last number called

out would be compared to the total number of first years resident in the hostel, seventy seven (77) in the case of Ratau;

41.4. Roll call was taken several times a day, with the rule of thumb, every time the squad relocated from one location on campus to another;

41.5. After the first years had returned to residence from lunch on 21 January 2012, they formed a squad at the hostel, where an announcement was made. There are, however, conflicting versions as to what exactly was said and in which language:

41.5.1. At least one student, and incidentally one who took part in the fruit festival but not in the swimming exercise, stated that an announcement was made in Afrikaans, to the effect that those who chose to swim after the fruit festival had to fetch towels for that purpose;

41.5.2. The same student said that he and a friend, who did not feel well, elected not to swim and therefore did not fetch their towels, did not enter the pool area and were not pressurised or victimised in any way on account of their election;

41.5.3. Two first year students of Ratau were at pains to say that all instructions and/or announcements by the house committee members were made both in Afrikaans and English. One of them later qualified his statement saying this was done only where time allowed for it to be done;

41.5.4. Another first year stated that he, when calling for a translation of an announcement on account thereof that he

did not understand same, was told that translations would only be done in respect of important announcements. He regarded the announcement at the pool dealt with hereinafter as such an important matter, and that same was not translated;

41.5.5. Other students said that all announcements and instructions were made in Afrikaans only and that they had to rely on their fellow students if they did not understand;

41.5.6. Another student said that the first years were told before they left for the fruit festival to fetch their towels, but they were not given a choice, all had to fetch their towels;

41.5.7. A further version was that no invitation to opt out of the swimming was extended;

41.6. Four of the seventy seven (77) first year students of Ratau, of which the deceased ostensibly was one, we were told, did not have a proper understanding of Afrikaans and they primarily relied on fellow students to explain to them what had been said as and when they did not understand announcements and/or instructions;

41.7. At the sports field, before the actual "fruit battle" commenced, the first years were told that they were under no obligation to take part in the smearing battle;

41.8. After the "fruit battle" was over, the Ratau first years again formed a squad and roll call was done before they departed to go to the pool;

41.9. When the squad arrived at the pool area, the first years were lined up and hosed off in order to wash off the worst dirt before they entered the enclosed pool area;

- 41.10. Those who chose not to be hosed off were not forced to do so and offered the opportunity to opt out;
- 41.11. All of the Ratau first years, but two, entered the gate of the pool enclosure, formed an L-shaped formation around the northern and western sides of the pool, interlocking their arms so as to form a human chain:
- 41.11.1. One student, however, contended that the first years formed a formation right around the entire pool;
- 41.11.2. The head of Insig of the NWU who, by all accounts had a very good opportunity to observe the swimming exercise was interviewed, stated that the L-formation was discontinued for approximately 2 metres either side of the north western corner of the pool, in her view, designed to avoid students falling on one another or bashing their heads against one another;
- 41.12. While the first year students stood in L-formation an announcement was made, warning or inviting those who could not swim not to enter the pool. On this issue there are again the following divergent views:
- 41.12.1. That an unknown woman, after a student enquired from his fellow first years about the depth of the pool and the latter had alerted the female bystander that the said individual could not swim, made an announcement that those who could not swim should step out of the formation and go to the shallow end of the pool;

- 41.12.2. Others say that the primarius of Ratau walked around the formation and announced that those who could not and did not want to swim should not enter the pool, and that consequent thereupon several students, all blacks, stepped away from the formation and went to sit on what they called, the pavilion;
- 41.12.3. Another version is that one of the first years asked his fellow students how deep the pool was and that they thereupon alerted the primarius that the particular student could not swim, whereafter it was announced by the primarius that those who could not swim, should not enter the pool.

Be that as it may, all concerned agreed that an announcement was made that those students who could not swim should either not enter the pool or go to the shallow end of the pool before anyone of the Ratau first years entered the pool;

41.13. It further seems common cause that:

- 41.13.1. the announcement was made in Afrikaans only;
- 41.13.2. a number of students took up the invitation not to swim, stepped out of the formation and did not enter the pool;
- 41.13.3. one student relocated to the shallow end of the pool and one later jumped in at the request of his friends;
- 41.13.4. one first year stated that he saw the deceased as a part of the formation, believed that the deceased had understood or at least must have understood the

announcement not to enter the water if he could not swim, as the deceased must have seen that just about all of the black students, after the announcement, opted out of the formation;

41.13.5. the student who stood immediately to the left of the deceased in the line-up at the pool edge says that he assumed the deceased did have a basic understanding of Afrikaans on account thereof that:

- despite Afrikaans not being the deceased's first language, he always followed instructions given by the house committee in Afrikaans;
- the deceased, when the announcement was made at the pool, did not ask him or anyone else to explain same, was smiling, in good spirit and fell into the water when his turn came;

41.14. The actual time spent in the water by Ratau was very short, again there are discrepancies but as all the versions are based on estimates and range from simply falling into the water, swimming to the shallow end and getting out of the pool to spending between 3 to 5 minutes in the water, it can safely be stated that it was the proverbial matter of minutes that were spent in the water.

A reliability guarantee for this finding is that there were on the day 28 groups of first years that had to be accommodated, Ratau was the 23<sup>rd</sup> to take its turn, by the time they entered the pool, it must already have been past 16h00, the scheduled time for the fruit festival to have ended as per the printed R & I program in the PUK-guide.

It further stands uncontested that the pool gate was locked by one of the organisers of the event at 17h50 on the day in question;

41.15. The first years of Ratau contrary to custom, did not take roll call before departing from the pool to the hostel;

41.16. Roll call, in the form of the count as referred to hereinbefore, was only conducted once the squad got back to the hostel.

Two of the first years interviewed stated that when the count was undertaken, they heard the number 54 being “skipped” but described same to a *bona fide* error, did not raise any alarm as the counting in the past often was subject to so-called hiccups.

They only in hindsight, after the discovery of the deceased’s body, realised what actually had happened;

41.17. No one saw the deceased after he had fallen into the water as part of the so-called Mexican waive or domino effect after the cry “*Almal vir een en een vir almal*” was uttered three times;

41.18. No one saw anyone flounder or struggle (“spartel”) to stay afloat or return to the surface of the water. In this regard the version of the head of Insig is again pertinent. She *inter alia* said that:

41.18.1. she was at the pool side when Ratau came to swim;

41.18.2. she observed a particular student;

41.18.3. she positioned herself so that she had an unobscured view of the particular student;

- 41.18.4. an unidentified person in the crowd drew attention to an overweight student in the L-formation alongside the pool, which directed her attention to a student in close proximity to the one she was observing beside the particular student;
- 41.18.5. the particular student, being the one she thought reference was made to, later transpired to have been the deceased;
- 41.18.6. she initially, when observing that the Ratau students lined up at the edge of the pool with their backs to the water thought by herself that she was witnessing a disaster in the making;
- 41.18.7. she soon, and after observing the precision with which the exercise was executed, changed her mind and it seemed to her as if it was a properly thought through and/or engineered and/or rehearsed exercise that was taking place;
- 41.18.8. she did not remember any announcement that those who could not or did not want to swim were not obliged to;
- 41.18.9. she did, however, observe a group of students disperse from the formation to the pavilion and one student moving to the shallow end of the pool to re-join the formation there;
- 41.18.10. once the students fell backward into the water, she remained looking for the particular student to emerge from under the water;

- 41.18.11. she at no time observed anybody in the vicinity of the place where the deceased and the particular student entered the pool floundering as one would expect of a drowning person;
- 41.18.12. the deceased must have immediately, upon entering the pool, sunken otherwise she surely would have seen him, particularly if he rose to the surface and floundered, which she did not see;
- 41.18.13. when asked about the language “policy” prevailing in the particular hostel as referred to hereinbefore, she expressed the view that it may have made a difference and later added that “*even if nothing had been different, I would have had more peace of mind if the language policy had been different*” or words to that effect.

There are no compelling reasons why the detailed account of this particular person who had occupied a good vantage point and was focussed on the area where the deceased had drowned, should be either criticised and/or rejected.

42. On the evidence of the six Ratau first years interviewed, four of the seventy seven first years in Ratau, of which the deceased was ostensibly one, did not have a proper understanding of Afrikaans and primarily relied on fellow students to explain to them what had been said as and when they did not understand.
43. One of the students who intimated that he did not understand Afrikaans said during the interview:

- 43.1. that they were at the hostel, prior to departure for the fruit festival invited to fetch their towels if they intended swimming;
  - 43.2. that he elected not to swim and therefore did not fetch a towel when the others went to do so;
44. From the statements made available, it appears that the organisers of the event and eyewitnesses to the incident were at pains to make it clear:
- 44.1. that first year students were not obliged to swim;
  - 44.2. that first year students were to be informed by their house committee members in charge at the pool, that those who could not or did not want to swim, were not obliged, were to rather step aside and not swim;
  - 44.3. that particularly the Ratau first years were informed that those who could not swim should step out of the formation and not enter the water;
  - 44.4. that some of the Ratau first years took heed of the warning, stepped out of the line and did not swim;
  - 44.5. that after the Ratau first years left the pool, roll call was held outside the pool area after they had dressed and before moving back in squad formation to their hostel. This is at odds with the information obtained through interviews as referred to hereinbefore. However, as alluded to many of the *dramatis personae inter alia* of the Ratau house committee could not be interviewed as they are State witnesses (see the list attached hereto) and the veracity of this statement could therefore not be tested.

45. However, the uncontroverted evidence obtained from the statements is that:
- 45.1. the deceased's body was only discovered at about 19h00 on 21 January 2012 by a swimmer who had, after swimming a number of lengths in the pool, executed a so-called "duck dive" wearing diving goggles;
  - 45.2. the water was at the time murky ("*melkerig*"), this was probably caused by the chlorine in the water, reacting with the perspiration and fruit juices on the bodies and clothes of the vast number of swimmers that had passed through the water on the day;
  - 45.3. the body was found at the deep end of the pool, which is approximately 3.9 metres deep;
  - 45.4. after the deceased's body was first detected, the assistance of the PUK Protection Services was summoned to help retrieve same;
  - 45.5. the deceased could not be seen from outside of the water, despite the approximate location of where the body was, having been marked on the side of the pool;
  - 45.6. Protection Services staff, despite having been shown the place where the body was earlier detected, took "some minutes to get [the] deceased", probably as a result of the murky water;
  - 45.7. the deceased was, shortly after the body had been retrieved from the water, declared dead by the ER24 staff who were also summoned to the scene;
  - 45.8. the deceased was initially only identified as a Ratau inmate by the embroidered shorts he wore at the time, and it was only much later

that evening through a process of elimination and roll call that the identity of the deceased was established.

46. The upshot of an interview with the Potchefstroom Public Prosecutor on 20 February 2012 was the following:
  - 46.1. We were denied access to the Police docket on the demise of the deceased under Potchefstroom CAS302/1/2012;
  - 46.2. We were promised a copy of the post-mortem report of the autopsy done on the deceased by an unknown medical practitioner;
  - 46.3. We were, however informed that the cause of death was apparently “death by drowning” or words to that effect;
  - 46.4. We were promised a list of names of the State witnesses, so as to inform us of the identity of the witnesses, and to facilitate us avoiding interviewing them as alluded to hereinbefore. A legitimate expectation was pertinently created with us that the information pertaining to the State witnesses would be imparted to us on the very same day. However, same was only furnished to us on 23 February 2012 late in the afternoon;
  - 46.5. It was explained that on or about 27 January 2012, the Public Prosecutor herself attended the PUK swimming pool in the company of members of the South African Police where an experiment was to be undertaken, to check on the visibility of an object such as a human body when lying in the deep end of the pool;
  - 46.6. The experiment on the Prosecutor’s account thereof comprised the following:

- 46.6.1. Three South African Police divers dressed in black wetsuits and equipped with diving gear such as aqualungs, underwater goggles and flippers were instructed to lay at the bottom of the pool at the deep end;
  - 46.6.2. Plus minus thirty unwitting students were invited for a swim, without having been informed of the three men, in hiding, as it were in the deep end of the pool;
  - 46.6.3. The pool water, on the information imparted to us was bright and clear and the sun was shining brightly on the day;
  - 46.6.4. None of the swimmers, after having spent a considerable time in the pool, observed any of the divers;
  - 46.6.5. It was only when one of the divers swam to the shallow end of the pool and grabbed a swimmer by the leg that the students, with shock, realised that there had been divers lurking in the deep water all the time they were swimming and having fun.
47. On 7 March 2012, the Chairman of the Investigating Committee telephoned the Public Prosecutor, Potchefstroom, to enquire whether:
- 47.1. the post-mortem report had become available as yet; and
  - 47.2. we, under promise that we would not venture upon the content of the statement made by him or the goings on at the pool on 21 January 2012, may interview Mr Herman Botes, the first year guardian of Ratau in order to obtain clarity on the following issues:

47.2.1. date – 15/11/11 – on the “*Aanmeldingsvorm/Intake Form*” of the deceased;

47.2.2. the despatch of:

- the “*Aanmeldingsvorm/Intake Form*”;
- a “*Ratau Lebone Eerstejaarsboekie 2012*”;
- a “*Ratau Lebone Manskoshuis Belangstellingsvraelys*”; and
- a document bearing the caption “*Algemene Inligting Ratau Lebone – In die lig van die Vader*”

ostensibly sent by Botes to first year students to whom residence in Ratau was allocated together with two envelopes, addressed to:

Herman Botes  
257 Cradock Avenue  
Lyttelton Manor  
Centurion  
0157.

47.2.3. The alleged swimming of first year residents of Ratau sometime during the initial days of the R & I, but prior to 21 January 2012.

48. The request was refused and it was further said that the post-mortem report had not yet reached the Public Prosecutor's office and could therefore not be made available, as promised.

**FINDING:**

49. We are of the view that there was no foul play involved in the tragic death of Thabang Makhoang, that no person or entity could, in our view, be held accountable for causing his death through negligence or otherwise.

Tragic as it may be, the deceased's drowning was a freak accident which took place in the midst of virtually every conceivable precaution having been taken, during an event arranged solely for the fun and team building features thereof.

The question was raised why lifeguards, trained in rescuing drowning people were not engaged on the day. It stands to reason that even if such people were present, same would most likely not have been of any help, particularly where the deceased was not observed to have been in distress by any of the many eyes deployed around the pool for that purpose on the day in question.

50. The extraordinariness and unexpectedness of the occurrence is demonstrated by the fact that a fruit festival, comprising of basically the same activities, has been part of the R & I program for many years without any such tragic consequences having occurred.
51. A first year female resident, from a hostel randomly elected by us, and who was thereafter randomly nominated by the house father of the relevant hostel, was interviewed on matters relating to the R & I program 2012, and finally asked what in her opinion was the best of the 2012 R & I

program. The answer forthcoming was that, had it not been marred by the tragic death of a fellow student, she would most definitely have nominated the fruit festival.

### **EVENTS AFTER THE DISCOVERY OF THE DECEASED'S DEMISE:**

52. From the information obtained during interviews, the view was formed that the North West University acted with the required compassion and in a manner befitting the seriousness and tragic nature of the occurrence:

52.1. Counselling was immediately arranged for the students of Ratau, both for seniors and first years;

52.2. The news of the death of the deceased was broken first to his grandmother, with whom he was living before coming to Potchefstroom by Doctor T Khumalo, a Clinical Psychologist of the IPC on the Potchefstroom campus;

52.3. The deceased's next of kin (his mother, grandparents and aunt, assisted by their Pastor's wife) were fetched by a Tswana speaking erstwhile primarius of Ratau and brought to Potchefstroom, ensconced in a guesthouse, counselled by professional counsellors of the University, accompanied by *inter alia* the head of Ingryp to the mortuary when it was required of them to identify the deceased and interviewed by the Rector of the Potchefstroom campus to convey his and the University's condolences;

It bears mentioning in passing that, the counsellors first spoke to the deceased's mother and grandparents in English, but were soon requested by the deceased's grandfather that they'd rather be addressed in Afrikaans, as they had a better understanding thereof, than of the English language. This lends a measure of support to

the assumptions expressed by the deceased's fellow first year that he had a basic understanding of Afrikaans, and particularly that he understood the announcements made at the pool before the students fell into the water;

52.4. We were further informed that the Rector sought the consent of the deceased's family before the release of his name to the media;

52.5. The NWU assisted, through its Social work offices, with the funeral arrangements and substantial financial assistance was extended to the family to defray the cost of transport of the deceased's body and funeral costs;

52.6. The University was duly represented at the deceased's funeral held in Wolmaranstad district.

**THE HANDWRITTEN NOTE LEFT BY THE DECEASED ON HIS BED ON THE DAY OF HIS DEMISE:**

53. A note, ostensibly in the handwriting of the deceased written in Tswana was found on the deceased's bed in his room in Ratau during the evening of the 21<sup>st</sup> of January 2012.

54. The location and tenor of the note, read with the "*Aanmeldingsvorm/Intake Form*" completed by the deceased apparently gave rise to speculation that it could have been a so-called suicide note.

55. The relevance of the Intake Form in this regard is as follows:

55.1. As alluded to before, first year students invariably moved about campus in squad formation during the R & I and were also accompanied by members of the house committee and particularly the first year guardian;

- 55.2. All first years had completed an Intake Form containing, *inter alia*, particulars of existing medical conditions, family history, current medication, allergies, financial support, medical aid, family doctors and the next of kin of the particular student;
- 55.3. A copy of the Intake Form of each first year was to be carried by the guardian in a file wherever the squad went in order to be prepared for any emergency;
- 55.4. As can be gleaned from the deceased's Intake Form:
- 55.4.1. it had four stickers attached to it, two at the top right hand corner and two at the bottom left hand corner;
- 55.4.2. the one sticker has the word "*asma*" inscribed thereupon and the other the word "*depressie*";
- 55.5. The affixing of the stickers onto the deceased's Intake Form and the inscriptions on the stickers were brought about by the fact that the deceased, when filling out the form, elected not to deal with each of the items apropos the topics "*Existing medical conditions*" and "*Family history*", but instead turned the form sideways and wrote "*N/A N/A*" across the five blocks provided for ticking off, obviously either by "√" or "x", whether the particular condition applied to him or not. We were informed that the manuscript note found on the deceased's bed was left there by him for the attention of one of the cleaning ladies in Ratau, from whom he had received assistance as alluded to hereinbefore and that the particular lady, after having read same, decided to leave it where it was found rather than remove same from the deceased's room.

56. As stated hereinbefore, the note read with the incorrect interpretation of the Intake Form (caused by the inappropriate filling out thereof) to the effect that the deceased suffered from depression led to the unwarranted speculation and/or conclusion that it could have been a suicide note. The source of dissemination of the information that the deceased may have committed suicide remains unknown.

A strange feature in the behaviour of the deceased on the 21<sup>st</sup> of January 2012 appears from a statement of a state witness who was standing immediately to the right of the deceased in the line-up at the pool and it warrants a quotation from the statement which reads as follows:

*“Before we arrived at the swimming pool I was behind “Thabang” and he seems (sic) to be in a good mood, he was smiling and laughing, he went out of the row and picked up a (sic) empty “Ice Tea” bottle, he washed it and I asked him for what the bottle were (sic) and he said to place his name Tag in. He put his name Tag in the bottle and closed the bottle, he then put the bottle into his pant’s pockets (sic).”*

Since the deponent to the statement is a state witness this could not be followed up with him but leaves us in doubt as to what we should make thereof.

**DID THE DECEASED’S DEATH OCCUR DURING AN EVENT IN TERMS OF THE INITIAL RECEPTION AND INTRODUCTION PROGRAM OR DURING A SO-CALLED “INITIATION” PROCESS?**

57. The short answer to the above question is that the deceased's death occurred during the official Reception and Introduction program. It occurred during a so-called fun event aimed at team and spirit building, held in a patently festive atmosphere which is borne out by the unedited video material captured on DVD by the Marketing and Communications Department made available to the investigation team. The goings on during the fruit festival by all accounts were conducted in as orderly fashion as could be expected of such an occasion amidst the extensive safety measures already referred to and participated in by the first year students who were offered an election to opt out. It was most definitely not an exercise in "initiation" of any kind.

**THE ORGANISATION, IMPLEMENTATION, CONTENT AND ACTIVITIES OF THE 2012 RECEPTION AND INTRODUCTION PROGRAM FOR FIRST YEAR STUDENTS OF THE POTCHEFSTROOM CAMPUS OF THE NORTH WEST UNIVERSITY:**

**ORGANISATION AND IMPLEMENTATION:**

58. The program stands under the direct management of the office of the dean of students in which a new appointment was made with effect from 1 January 2012 in the person of Professor Rikus Fick.
59. Two interviews were conducted with Professor Fick, one in the initial stages and one towards closing of the investigation.
60. The R & I program for any given year is compiled, prepared and approved during the previous year and there is a Student Representatives Council (SRC) portfolio, to be headed by the vice chairperson of the SRC of the

Potch campus, which is enjoined to coordinate the practical implementation of the R & I program.

61. The actual coordination is done by a 26 member R & I committee chaired by the vice chair of the SRC, in the year 2012, in the person of Ms Susan Botma.
62. The R & I committee hold office from September of a particular year until the end of the R & I program in the following year, which is the end of the third week after the arrival of the first year students, of which the last week is the so-called rag week. The members of the committee are the ones responsible for the rolling out of the program by arranging the various items on the program.
63. The expressed aims of the R & I program are:
  - to give first year students the required knowledge and understanding of the management system (faculties, departments, finance, administration) of the NWU (Potch campus), as well as its academic system (semester system, program packages, timetable groups, etcetera);
  - to give new students guidance and to assist them in the choice of fields of study, based on personal aptitude and interest;
  - to give new students guidance regarding study methods and the academic requirements for study at a University; and
  - to acquaint new students with the value systems of the NWU, (Potch campus) and to assist them with integration into organised student life and life in residence.

64. As was alluded to hereinbefore when dealing with the detailed arrangements pertaining to the fruit festival, it appears that the organisation of all the events on the program was by and large well managed with the tragic drowning of the deceased as the only real “mishap” that we were particularly informed of.

**CONTENT AND ACTIVITIES:**

65. We were informed by the dean of students that complaints (however few and mostly incognito), were levelled at the R & I program by parents of first years to the effect that:

65.1. the students found it difficult to adapt to the way of life on campus;

65.2. the foregoing was brought about by the program being a hectic one,

the general complaint being “*my child is tired and does not get enough sleep*”, or words to that effect.

66. The Potch campus management and particularly the dean of students maintain an open door policy in respect of complaints about the systems in place and the alleged abuse of first years. The following complaint channels are in existence:

66.1. A SMS complaint line which is active 24 hours a day, seven days a week where complaints are received by the Department of Marketing and Communications passed onto the Students Representative Council for investigation and feedback, and report to the office of the dean of students. We were given access to the results of this line and the investigations done, by the dean of students, and it seems to be functioning well;

- 66.2. Complaints with the house parents of the various hostels. The dean of students gave the assurance that he personally, during a meeting, impressed upon house parents to, during the first day of the R & I program when they meet with the parents of newcomers impress upon parents that they (the house parents) are available and the first port of call for complaints and to invite parents to report complaints directly to them, and not fear any victimisation of their children;
- 66.3. The office of the SRC;
- 66.4. The dean of students himself.
67. Upon investigating the complaint referred to in paragraph 65 supra, an interesting explanation was proffered i.e. that newcomers to Universities are used to life at school, had most likely shortly before they arrived on campus, been on vacation where they had very little to do, lots of time on hand, and were not subjected to any routine or established program.
68. In contra distinction to the foregoing, particularly the first two weeks of R & I comprises a fairly busy program, running from 07h00 in the morning to 22h00 in the evening, when the official program for the day usually draws to a close.
- In the third week (the so-called RAG-week), the program even extends to 24h00 on some days.
69. Moreover a great deal of information is crammed into the newcomers over the duration of the R & I program, but as was stated, this is simply part of adult life and we see no compelling reason why any drastic changes in this regard should be either recommended or effected.

**NWU RULES, POLICIES AND PRACTICES:**

70. We were informed that during the latter part of 2011, all residences were required to submit to the Student Representative Council, in writing a compilation of the so-called traditions and/or customs peculiar to each residence for onward transmission to the Institutional Legal Advisers of the University for vetting thereof against the backdrop of the Bill of Rights contained in the Constitution of the Republic of South Africa and the NWU's policies pertaining to initiation, which is one of zero tolerance. We were during interview presented with the results of the vetting process and it is quite apparent that much is done to eradicate initiation and instil a culture of human rights on the Potch campus.
71. The promotion of a culture of human rights on campus and the eradication of abusive initiation practices is further curbed by the signing of undertakings by all members of the various house committees to the effect that they would uphold the values of the Bill of Rights and refrain from all types of abusive conduct towards first year students.
72. We were further informed during consultation that senior students were lectured by a member of the Institutional Law office on the observance of human rights, particularly the University's pursuance thereof, and its unrelenting attitude towards the infringement of the human rights of newcomers on campus.
73. It, however, transpired that no provision is made in the R & I program for similar lectures to first year students so as to inform them of what they are entitled to, by way of the observance of their human rights and what in the campus context they stand to do whenever infringement of their human rights are perpetrated upon them.

It would be recommended that such lectures be considered for inclusion in future R & I programs.

74. During the course of interviews it, however, also surfaced that there still is a yearning for some kind of introduction into student life (*“inburgering”*) by staff members, senior students, first year students and even parents of students.

It was even suggested that a “bosberaad” or conference be held for the “redesign” of the whole of the R & I program so as to include non-abusive items of orientation along the traditional lines.

75. Note was taken of the good work done by AKSA (CASA), another portfolio in the SRC, which is an acronym for “*Aktuele Sake*” (current affairs). Transformation is presently one of their identified current affairs, but as expressed by the chairperson of AKSA, hopefully not to be there forever.
76. The motto of the current chairperson of AKSA on the Potch campus is that they have a policy of not wanting to control, but rather manage current affairs such as transformation.
77. Their *modus operandi* and policy, we were informed, stands on three legs:
- Integration;
  - Unity;
  - Diversity.

78. AKSA arranges for newcomers from minority groups on campus, (all first year black students are invited) to attend a camp prior to the commencement of the official R & I program, which in essence is a “mini R & I” aimed at softening the blow of possible cultural shocks that students from minority groups may experience during the R & I, and preparing them for the hostel experience, which they are most likely not acquainted with. The cost of such a weekend camp is largely sponsored and actual costs payable by the students in this year, was a mere R80.00 per student.
79. The following checks and balances are by way of long standing custom in place to secure the safety of newcomers to the Potch campus:
- 79.1. Moving around campus by first years, both male and female takes place in squads, as referred to hereinbefore;
  - 79.2. Regular roll calls are taken as alluded to hereinbefore;
  - 79.3. Squads are at all times to be accompanied by more than one house committee member, *inter alia* to secure safe crossing of roads negotiating traffic and the like;
  - 79.4. The house committee member in charge of a squad in transit is obliged to, at all times have a file containing the Intake Forms completed by the first years in his squad so as to be prepared for any eventuality.
80. We requested our liaison officer to establish if there was a written prescription, guideline or policy in existence, as to what safety and/or emergency personnel and equipment had to be arranged to be present or available at the R & I events.

The feedback we received was that the NWU has since the promulgation of the Safety At Sports And Recreational Events Act (Act 2 of 2010), in compliance with the said Act been working in close co-operation with the South African Police Services and that the Potch campus's documentation submitted in terms of the said Act serves as a model to others.

A copy of the informal minute of the latest meeting between representatives of the NWU and the SAPS held on 10 February 2012 is attached and marked **Annexure "B"**. Special reference is made to points 3 and 7.6 of Annexure "G" from which the following appears:

- The Potch Campus's longstanding co-operation with the Police, their commitment to compliance with statutory requirements and the use of their documents as a model.
- The fact that the NWU should consider applying to the Minister to be exempted from the application of the Act.

We were further informed that all of the events staged by the NWU in the past have been categorised as low-risk in terms of the aforementioned act.

The Potch campus Protection Services further reported that they had already prepared a draft prescription on what safety and/or emergency personnel and equipment should be deployed at all R & I events and that same is in the process of being submitted to Campus Management for approval.

It would be recommended that a uniform prescription, formalising the custom referred to hereinbefore on how to secure the safety of students, particularly when moving about campus during R & I, be prepared,

- considered by all stakeholders, approved and forwarded to all the residences to be implemented across the board.
81. Enquiry was also made as to whether there is an agreement in existence with ER24 Emergency Service or any other similar enterprise. As alluded to hereinbefore ER24 are “ever present”, but despite the “assurances” from more than one of the members of the Potch campus executive that such agreement exists, no agreement could be produced upon our request and we were ultimately informed that none existed.
  82. It seems to simply be fortuitous that ER24 was present at all PUK events in the past. It would therefore be recommended that the possibility of concluding an agreement be investigated, addressing the difficulties alluded to hereinbefore, and such agreement be made for the safety of all students.
  83. It also seems doubtful that the staff of the Potch campus Emergency Services have had adequate training in first aid and lifesaving skills. This doubt is founded on the fact that those who were involved are State witnesses and could not be interviewed to establish the correct state of affairs. It would therefore be recommended that this matter be investigated and training be afforded, alternatively skilled people be engaged to attend the R & I events, where such skills are required.
  84. As dealt with hereinbefore, the arrangements pertaining to the fruit festival catered for all eventualities barring lifesavers specifically trained for the saving of drowning people.
  85. It would be recommended that events forming part of the R & I program be assessed by duly equipped experts and ascribed a risk rating ranging from high to low and possibly no risk at all, that safety measures be devised for

each type of risk category, the organisers of the respective events be given same and that observance be monitored.

### **THE LANGUAGE ISSUE:**

86. The NWU has an extensive Institutional Language Policy and Language Implementation Framework, which was prepared by a Language Task Team, representative of the different operations at the University, and accepted by the Senate and Council during 2007. A copy of the policy document, which is subject to periodic review, is attached, marked **Annexure “C”** and speaks for itself.

87. As alluded to hereinbefore, there are despite the foregoing, communication difficulties at grassroots level brought about by language issues such as:

87.1. That insofar as Application Forms for entry to the University is concerned, if the election of a preferred language for communication is not written on the form, the “system” by default registers the election to be Afrikaans.

It is recommended that this be changed and that an application instead be barred if the language preference is not expressed and that same be referred back to the Applicant for completion;

87.2. Oral communication in the various residences during the R & I appears to be done primarily and in some instances only in Afrikaans with the resulting risk that some of the newcomers do not understand, and therefore not take heed of the announcements with the concomitant risks attached thereto.

88. During an interview with Professor Verhoef, the Director of the Directorate of Language Affairs and also the Language Ombud at the University, we were informed that there are mechanisms in place to promote the protection of the linguistic rights of all students and that the University policy is “If a student is allowed to, or accepted at the NWU, the latter has to look after him or her.”

89. Two strategies are in place, one a so-called formal leg and the other an informal one:

89.1. The first being the extra-curricular interpretation service for use at events arranged by the University or the hostels, particularly during the R & I program. (The formal leg).

A copy of a spread sheet with particulars of the services rendered during the 2012 R & I is attached and marked **Annexure “D”**.

89.2. A so-called “buddy system” primarily for implementation in hostels in terms whereof fellow students are relied upon to explain to their peers in the group who do not share the language used at any given time, as their first language. (The informal leg).

90. This system seems to be a very useful one and it would be recommended that it be instilled upon newcomers in the hostels that they are duty-bound to make sure that their “buddies” understand all instructions and that same be monitored.

The “buddy” system should, however, not be regarded as a replacement for the obligation on the part of, particularly the house committee members to make announcements or give instructions in both Afrikaans and English.

91. A further cause for concern was found to be the fact that certain publications, particularly those issued in hostel context were published and distributed in Afrikaans only, such as for instance the Hostel Booklet and the General Information letter of Ratau referred to hereinbefore. Bilingual publications are recommended and it is further recommended that the office of the dean of students, as was done in the case of the hostel traditions, monitor the implementation of the aforesaid recommendation.
92. It is further recommended that publication of a single, fully bilingual PUK First Years Guide, as opposed to a separate Afrikaans and English one would serve a better purpose despite the possible larger financial implications, as same would avoid crucial information forwarded to prospective students in a language they do not have a command of.
93. It was also suggested during an interview that a double page, in a prominent space of the First Years Guide, be devoted to the most important information. The following criticism was as an example levelled against the publication in its present format:
  - 93.1. At page 4 of the present PUK Guide, the heading "*Important contact information is found with various telephone numbers listed.*";
  - 93.2. Upon reading same, it is clear that the telephone numbers of both the "*Crisis Centre*" and the "*Emergency Services*" are not listed;
  - 93.3. These two services each have a telephone line, which is operated 24 hours a day, seven days a week and are supposed to be the first ports of call in the event of a crisis or emergency;

- 93.4. A person would have to at least know that the Crisis Centre falls under the control of the Health Care Centre and the Emergency Services under the Department, Protection Services before you would be able to know who to contact, and obtain assistance from the listed information.

We were informed that there are other examples as well.

94. The NWU, through its Marketing and Communications Department, has a distinct marketing strategy in place to *inter alia* recruit students from previously disadvantaged communities to apply for admission to the Potch campus. These students are in the official documentation referred to as “*strategic students*”. The aforesaid term which is also frequently used in oral communications is perceived as unacceptable and offensive and it is recommended that same be discontinued and replaced with an acceptable one if the need for a reference to these students as a distinct group exists.
95. We were informed that the implementation of the language strategy is an on-going process and particularly that the Functional Multilingualism notion that lies at the heart of the NWU language policy allows for the choice of a language in a particular situation to be determined by the situation/context in which it is to be used and that variables such as the purpose of the communication and the language proficiency of interlocutors are to play a determinative role in the choice of the language.

It is recommended that the required checks and balances be put in place to monitor the proper implementation hereof, also at the most basic level i.e. the entry of newcomers in hostels. As in all relationships, proper communication is at this level as important as anywhere else.

**ANCILLARY MATTERS:**

96. We were shortly after the commencement of the investigation, furnished with copies of the following:
- 96.1. a letter bearing the reference of the chairperson and deputy chairperson of SASCO ostensibly handed out at a special ISRC meeting held on 10 February 2012; and
  - 96.2. a letter dated 14 February 2012 addressed to Mr V Mothobi, the Executive Director Development of Human Capital, bearing the reference of the Potch Campus Student Council over the signature of the chairperson.
97. These two letters, despite the first one dealing with the demise of Thabang Makhoang and seeking to hold someone or an entity responsible for the deceased's death on account of negligence, have more to do with student politics at the NWU and particularly the Potch campus than anything else.
98. However, and in as much as the letter of SASCO did contain allegations purported to be fact pertaining to the drowning of the deceased, it was decided to interview all concerned i.e. Doctor Mothobi, Ms Kraaij and Mr Mogorosi.
99. We are of the view that Mr Mothobi in his capacity as referred to hereinbefore, and the person at institutional level under whose control student representative matters resort, is managing the so-called student politics aspect of the matter and we need say no more on this topic.
100. During the interview with Mr Mogorosi, it transpired that he did not attend the fruit festival, does not have personal knowledge of any of the occurrences on the fateful day, and that the "facts" related in the said letter

are based solely on hearsay evidence, and therefore not of much assistance in the execution of our mandate.

101. The interview with Mr Mogorosi was discontinued without it having been taken to its logical conclusion on account thereof that he intimated that he felt uncomfortable with the presence of our liaison officer in the room, whilst the interview was in progress and after Mr Coetzee had left the meeting, he also questioned the independence of the investigating team and intimated that he did not wish to answer any further questions when it dawned on him that the investigation was done at the behest of the NWU, and not the Minister of Higher Education.
102. We were further, on or about 8 March 2012, e-mailed a copy of a letter addressed to the chairperson of the Council of the NWU by Mr Mogorosi.
103. Dealing with the content of the said letter would not in any meaningful way contribute to arriving at the findings and/or making the recommendations that are required of this investigation as per the terms of reference, and same is therefore not indulged in.

Copies of the three letters referred to hereinbefore are for completeness sake attached and marked **Annexures “E”, “F” and “G”** respectively.

#### **SUMMARY OF FINDINGS AND RECOMMENDATIONS:**

1. The drowning of Thabang Godwin Makoang (“the deceased”) on 21 January 2012, was an unfortunate accident for which no blame could be levelled against any individual or entity.
2. The circumstances surrounding the death of the deceased were, in our view, free of any foul play and/or negligence on the part of any individual

and/or entity. All reasonable safety precautions seemed to have been arranged and were in place on the particular day. The failure of anybody to have seen the deceased in distress, save for the single explanation proffered therefore i.e. that he must have simply gone straight down, remains unexplained.

3. The fact that the deceased's body remained undetected for approximately two hour after he had drowned, was on the probabilities brought about by:
  - the murky water;
  - the depth of the pool at the place of drowning; and
  - the constant presence of swimmers in the pool disturbing the surface of the water, which obscured the detection of the body as is borne out by the experiment performed by the South African Police.
4. The demise of the deceased occurred during an official, R & I program event, and not during any form of initiation.
5. The 2012 R & I program for the Potch campus was, on the whole, well designed and managed despite there being, as with any system or program and particularly with the wisdom of hindsight shortcomings, particulars of which were dealt with in the text of this report and in respect of which recommendations are made *infra*.

### **RECOMMENDATIONS:**

1. The following recommendations are made:
  - 1.1 That a timeslot be found or created, early in the R & I program, for first year students to be lectured on their human rights, that

the observance thereof is high on the NWU's priority list and what they stand to do in the event of violation thereof;

- 1.2 That formal and comprehensive prescriptions be prepared, considered by all stakeholders, approved by Campus Management and distributed to those concerned for implementation in respect of:
  - 1.2.1 the securing of the safety of the newcomers on campus, particularly when moving about campus during the R & I (a basic publication and formalisation of the well established customs already in place), to be implemented uniformly in all residences;
  - 1.2.2 the safety measures to be arranged and safety officials to be deployed for the various events that form part of the R & I program;
  - 1.2.3 the monitoring of the measures referred to in subparagraphs 1 and 2 supra;
- 1.3 That the adequacy of the training of people, both staff and students, appointed to act as "Safety Officers, Peer Helpers or Observers" at R & I events be investigated and improved upon where same is required;
- 1.4 That the so-called default setting in respect of the omission to make an election of a preferred language for communication on Application Forms for admission to the NWU, be substituted with an automatic bar to further processing of such application until such time as a duly completed form has been received;

- 1.5 That the implementation of the policy that communication of instructions and announcements at residences should be made both in Afrikaans and English, as well as the implementation of the so-called “buddy system” in respect of communication amongst peers in hostels through a concerted effort be impressed upon and promoted amongst both the house committee members, and first year students of all hostels;
- 1.6 That all written communications be sent to prospective newcomers in hostels by Hostel Management, prior to their arrival on campus, be made available in a single bilingual publication whether it be letters, booklets or brochures;
- 1.7 That a single bilingual PUK First Year Guide be prepared, published and distributed in future;
- 1.8 That a double page in the annual PUK Guide, be afforded a prominent place therein and be devoted to the most important information so as to enable swift access thereto. (Examples of the type of information to be contained in such a page is referred to in paragraph 93 supra);
- 1.9 That the phrase “*Strategic students*” with reference to the complement of students recruited from the previously disadvantaged communities be revisited and discontinued, as same is perceived as offensive;
- 1.10 That a strategy be investigated and devised to promote the implementation and the monitoring of Functional Multilingualism on grassroots level and particularly in the hostels.

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L W de Koning SC

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V P Pikoli

POOL DIMENSIONS

Annexure "A"

The pool is an Olympic size rectangular pool, lying in length from South to North with the deep end at the Northern side thereof.

Length 30,6 metres;

Width 20,16 metres;

Depth deep end 3,97 metres;

Shallow end  $\pm$  1,1 metre.



## Hoofdirekteur: Finansies en Fasiliteite

### Notas oor byeenkoms (Events) wetgewing samesprekings en uitklarings met SAPD

Vrydag 10 Februarie om 10:00 – 11:00, Joon van Rooygebou, Raadsaal

#### 1 Verwelkoming van verteenwoordigers en elk se rol by SAPD & NWU

#### 2 Presensie

**2.1 Teenwoordig:** Bobo van der Westhuizen, Brig. Riaan Callitz, Daan le Grange, Kol. Andre Wagner, Prof Herman van Schalkwyk (Rektor) Dolf Engels (BED), Werner Coetzee (Regsdiens), James Stoffberg (PUK Sport), Cassie van Rooyen (BED), Relief Scheepers (SR BOB), Corné Zandberg (SR JOOL), Kobus Dannhauser (SR SJGD).

#### 3 Bespreek NWU Potchkampus se verbintenis tot toepassing van wetgewing t.o.v. byeenkomste reeds lank voor 2010

Agtergrond is verskaf en SAPD bevestig goeie samewerking en gebruik ons dokumentasie as rolmodel.

#### 4 Patrick Ronan as spesialis se kundigheid ook

Hy is betrek by toepassings en interpretasies van wetgewing (hy was behulpsaam met skryf van wetgewing). Hy het ook CAMPROSA konferensie in 2011 hieroor toegesprek.

#### 5 Debatering oor 2 sake

5.1 Tipe en aard van byeenkomste wat onder die wetgewing bedoel word of nie en verskillende interpretasies word bespreek

5.2 Risikovalke van byeenkomste en minimum vereistes vir elke risikovalke word uitgeklaar

#### 6 Daar is 'n lang lys van verskillende aktiwiteite en omvang wat op 'n tipiese kampus kan plaasvind. Vraag is watter hiervan maak aanmeldbare "byeenkomste" uit en watter nie

6.1 Kerk byeenkomste van verskillende omvang en - bymekaarkom plekke

6.2 Koshuis vergaderings

6.3 Sport oefenaande van alle sporte elke aand

6.4 Amfl byeenkomste ( O & B, Ontvangs van Eerstejaars, Promosies,)

6.5 Deurlopende studente aktiwiteite per portefeulje

#### 7 Bykomende sake

7.1 Kennisgewing (en nie aansoek nie) aan Nasionale kommissaris is wat Wet vereis!

7.2 Georganiseerde sport se programme/seisoenrooster voorlê soos beskikbaar

7.3 Ses maande vooraf kennisgewing nie hard toegepas nie – SAPD is nie rigied op ses maande nie (Artikel 6 (3) maak voorsiening vir ad-hoc reëlings en ses maande geld gewoonlik vir makro internasionale byeenkomste

7.4 Vanaf 2012 kla SAPD oortreders van Wet aan, indien daar oortree word

7.4.1 "Venue" speel groot rol. Kapasiteit van > 2000 val onder Wetgewing al is geskatte toekouerstal minder

7.5 "Veiligheid" word altyd in terme van die Wet vooropgestel

7.6 Vrstellings in terme van Artikel 3 – NWU moet oorweeg om hiervoor by Minister aansoek te doen

7.7 Alle kennisgewings word via Provinsiale kantoor hanteer, dan weet almal



## **INSTITUTIONAL LANGUAGE POLICY AND LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR THE NWU**

*FINALLY ACCEPTED BY SENATE AND COUNCIL MARCH 2007*

### **1. PREAMBLE**

#### **1.1 CONTEXT**

1.1	During its meeting held in March 2005, the Institutional Senate instructed the composition of an Institutional Senate Language Task. Team with representatives from different levels of operation at the NWU. The task team was mandated to draft an institutional language policy and implementation framework within the parameters of the National Language Plan for Higher Education as well as the NWU Statute, to consult this with interest groups and to submit the document for ratification to the Senate, in accordance with Section 27(3) of the Higher Education Act.
1.2	To give effect to this task, an institutional language policy that is (i) flexible and functional, (ii) that redresses the language imbalances of the past, (iii) that endorses multilingualism, and also (iv) promotes access, integration and a sense of belonging, was tabled at the Senate meeting of 10 May 2006. This institutional language policy was also accepted by Senate held on 10 May 2006.
1.3	As determined by par 3.5 of the Institutional Language Policy and requested by the Senate meeting held in May, the Institutional Language Policy is hereby provided of an institutional language planning framework that gives practical effect to the respective language policy stipulations.

#### **1.2. DEFINITION OF TERMS**

	<b>FUNCTIONAL MULTILINGUALISM</b>
	Functional multilingualism means that the choice of a particular language in a particular situation is determined by the situation/context in which it is used, and that variables such as the purpose of the communication and levels of language proficiency of the interlocutors play a determining role on the choice of a particular language code or language codes. The implication is that not all official languages need to be used for communicative purposes at the NWU but that sensitivity should be demonstrated towards the main regional languages used in provinces where campuses of the institution are situated.
	Multilingual refers to the use of more than one language, as well as the ability to use more than one language.

#### **1.3. OVERALL LANGUAGE STRATEGY OF THE NWU**

1.3.1	The NWU views its commitment to transforming itself into a truly functional multilingual institution as part of its efforts to rethink, reposition and review itself in terms of its fitness for the new era. This commitment to the practical implementation of functional multilingualism at different levels of operation should be seen as a contribution to the social, cultural and economic development of the South African community. This commitment should also contribute in a measurable way to the "development of a learning society that can stimulate, direct and mobilise the creative and intellectual energies of all South Africans towards meeting the challenges of reconstruction and development".
1.3.2	The NWU acknowledges the realities of a multilingual society and a multilingual university environment. Consequently, the language management approach of the institution leaves room for different strategies and models for the implementation of functional multilingualism within this overarching multilingual context.

<sup>1</sup> Education White Paper III (Notice 1196, 27 July 2002), entitled *A Programme for the Transformation of Higher Education*, Chapter 1, paragraph 1.1

1.3.3	The language management approach of the NWU broadly means (i) that the language realities at the different campuses are continuously taken into account, (ii) that sensitivity is shown towards the language preferences, language needs and language expectations of individuals and groups that have an interest in the institution, (iii) that the language policy and plan are aligned with the demands of the macro-environment in which the institution functions, (iv) that the regional languages that are used at the campuses of the NWU (Afrikaans, Setswana, Sesotho and English) are regarded as national assets, and that measurable contributions are made towards the use of these language as languages of higher education.
1.3.4	Within the parameters of the principle of functional multilingualism, English, Setswana, Sesotho and Afrikaans are used as working languages, and the institution considers it as part of its duty to contribute in a systematic and measurable way towards the promotion of these languages as languages of higher education.
1.3.5	On the basis of the language policy a continuous consultative process is followed where the language policy principles and statements are operationalised in practical terms according to an institutional language plan. This language plan is implemented and managed in a diversified manner at the different levels of operation at the institution.
1.3.6	The language policy and plan are both linked to the Institutional Plan of the NWU, and are revised accordingly at three-year intervals. As recommended by PanSALB, this revision is based on a proper situational analysis and a clear external and internal alignment process.
1.3.7	The Institutional Language Directorate is the institutional facilitating structure that enables the NWU to conduct language management in a pragmatic, systematic and sustainable way.

## 2. INSTITUTIONAL LANGUAGE POLICY AND LANGUAGE PLAN, AS WELL AS LANGUAGE PLAN IMPLEMENTATION FRAMEWORK

<p><b>2.1</b></p> <p><b>LANG. POLICY</b> 2.1.1</p>	<p><b>TEACHING-LEARNING AND ASSESSMENT</b></p> <p><b>LANGUAGE POLICY PRINCIPLES</b></p> <ol style="list-style-type: none"> <li>1. The premise for the language policy for tuition of the NWU is the enhancement of access and success. This principle determines the way in which the university implements functional multilingualism in the teaching and learning environment so as to give practical effect to the principle of unity in diversity.</li> <li>2. The NWU's language policy for tuition continuously accounts for the language demography and language preferences of a particular campus within an environment where the language rights of all people concerned are respected.</li> <li>3. The following parameters demarcate the boundaries of a language policy for tuition and are accounted for in a flexible and accommodating way in the language plan for tuition:             <ol style="list-style-type: none"> <li>(i) language distribution and language needs at the respective campuses,</li> <li>(ii) diversity in the teaching programmes,</li> <li>(iii) different niche markets served by the modes of delivery and/or teaching programmes, and</li> <li>(iv) infrastructural capacity of the different campuses.</li> </ol> </li> </ol>
<p><b>LANG. POLICY</b> 2.1.2</p>	<p><b>LANGUAGE POLICY STATEMENTS</b></p> <ol style="list-style-type: none"> <li>1. English and Afrikaans are used as primary languages of tuition at the NWU, and through continuous action research it is determined what contribution can be made towards the development of the Setswana and Sesotho as languages of higher education.</li> <li>2. Different language modes of delivery are employed at the different campuses to accomplish enhancement and facilitating of access to higher education, amongst others, single medium teaching, parallel and double medium teaching, as well as classroom interpreting services. The expansion of this service to more teaching programmes happens according to an agreed set of standards and procedures.</li> <li>3. The Language Directorate, in collaboration with the respective campus registrars, serves as point of report and mediation when language rights are violated or for the prevention of the violation of language rights.</li> <li>4. It remains the responsibility of the respective campus managements to continuously translate the principles of the language policy for tuition into viable and measurable action steps, and to negotiate and manage the implementation thereof.</li> </ol>
<p><b>LANG. PLAN</b> 2.1.3</p>	<p><b>INSTITUTIONAL LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR TEACHING-LEARNING AND ASSESSMENT</b></p> <ol style="list-style-type: none"> <li>1. In its pursuit to establish a functional multilingual language dispensation at the NWU, English and Afrikaans are currently used as primary languages of teaching and learning while continuous research is undertaken and measurable actions employed, within short-, medium- and long-term scope, to ensure the implementation of Setswana, (MC/PC) and Sesotho (VTC) as languages of higher learning.</li> <li>2. Different language modes of delivery are used on the different campuses to account for the diversity of language needs of students.</li> <li>3. The language demography and language preferences of students and staff at a particular campus play a pivotal role in determining the specific way in which the language plan for teaching and learning is implemented and tailored to the language needs of the relevant campus.</li> <li>4. The NWU is committed to the fostering of the language rights of its diverse population and has established a language ombudsoffice to see to the creation of an institutional environment that is conducive to the nurturing of the language rights of students and staff. This office resides within the Institutional Language Directorate and collaborates with respective campus managements to see to the settling of language-related queries.</li> </ol>

<p><b>IMPLEMENTATION FRAMEWORK</b> 2.1.4</p>	<p><b>OPERATIONALISATION OF LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR TEACHING-LEARNING AND ASSESSMENT</b></p> <ul style="list-style-type: none"> <li>On the basis of the difference in language-demographic distribution per campus, differentiation takes place at campus level.             <ul style="list-style-type: none"> <li>The use of English and Afrikaans as teaching languages differs per campus because of the differences in language needs.</li> <li>The implementation of Setswana and Sesotho as HE languages is dealt with in a differentiated way per campus.</li> <li>Language modes of delivery differ from campus to campus because of the difference in language needs per campus.</li> </ul> </li> </ul>	<p><b>Matikeng</b></p> <ul style="list-style-type: none"> <li>English is mainly used for teaching-learning provided that access and success are not hindered.</li> <li>For the facilitation of learning, code-switching to Setswana can be used.</li> <li>Setswana as HE language:             <ul style="list-style-type: none"> <li>Demographic needs and proven expertise at this campus (NLB/NLU/LRDC) results in this campus taking the lead in research pertaining to the position of Setswana as HE language.</li> </ul> </li> <li>Continuous consultation between the Language Directorate and internal and external experts leads to the results of research being fed back into the language plan and being implemented where necessary at campus level.</li> </ul>	<p><b>Potchesitroom</b></p> <ul style="list-style-type: none"> <li>Afrikaans is mainly used for teaching-learning provided that access and success are not hindered.</li> <li>Access and success are facilitated by means of interpreting services, afternoon programmes in English in certain faculties, and provision to submit assignments and answer scripts in English. According to a four year rolling-plan, provision is made for the availability of study guides in English, additional to Afrikaans.</li> <li>Off-campus undergraduate programmes are offered in English.</li> <li>Setswana as HE language:             <ul style="list-style-type: none"> <li>The expertise at Potchesitroom regarding Setswana as 3<sup>rd</sup> language (subject groups and C:Text) results in this campus taking the lead in research pertaining to the expansion of the use of Setswana.</li> </ul> </li> <li>Multilingual glossaries project is expanded internally and networked further on national level.</li> <li>Continuous consultation between Language Directorate and internal and external experts leads to the results of research being fed back into the language plan and being implemented where necessary at campus level.</li> </ul>	<p><b>Vaal Triangle</b></p> <ul style="list-style-type: none"> <li>Basic teaching-learning set-up: mainly parallel medium, English and Afrikaans provided that access and success are not hindered. Answer scripts and assignments may be answered in English and Afrikaans.</li> <li>If parallel medium proves impossible after due consultation between the School Director and Dean, then dual-medium undergraduate instruction, in the following way: an agreement, per module, between class and lecturer, on how language will be dealt with in the relevant module; or alternatively, in the interests of the optimisation of the learning situation, a consistent 50/50 situation without the repeat of content.</li> <li>Interpreting services in selected teaching programmes.</li> <li>No provision for parallel- or dual-medium in these programmes.</li> <li>Study guides are available in English and Afrikaans: <u>Sesotho as HE language</u>.</li> <li>The Ndebele report allocates the responsibility for the development of Sesotho to UCT, US, UNISA, UFS and Wits (par 48.6).</li> <li>Further discussions with VTC management with regard to the implementation of Sesotho, amongst others the participation in the national discussion on Sesotho and continuation to the multilingual glossaries project.</li> </ul>
<p><b>IMPLEMENTATION FRAMEWORK</b> 2.1.5</p>	<p><b>OPERATIONALISATION OF LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR THE OMBUDS OFFICE AT THE NWU</b></p> <ul style="list-style-type: none"> <li>The Director Language Affairs acts as institutional language ombudsman and collaborates at each campus with the campus registrar as point of reporting and facilitation to deal with and resolve any language-related enquiries and issues.</li> <li>The ombudsoffice fulfils the following four-tiered role:             <ul style="list-style-type: none"> <li>Continuous feeding through of language management information that has an influence on the smooth flow of operational processes.</li> <li>Awareness-raising role as regards language rights of internal interest groups at the institution.</li> <li>Point of reporting and resolution of language-related queries and issues in consultation with all the relevant parties.</li> <li>"Flow" of information from settled language issues back into language management processes so as to prevent the occurrence of similar problems in future.</li> </ul> </li> </ul>	<p><b>OPERATIONALISATION OF LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR THE OMBUDS OFFICE AT THE NWU</b></p> <ul style="list-style-type: none"> <li>The Director Language Affairs acts as institutional language ombudsman and collaborates at each campus with the campus registrar as point of reporting and facilitation to deal with and resolve any language-related enquiries and issues.</li> <li>The ombudsoffice fulfils the following four-tiered role:             <ul style="list-style-type: none"> <li>Continuous feeding through of language management information that has an influence on the smooth flow of operational processes.</li> <li>Awareness-raising role as regards language rights of internal interest groups at the institution.</li> <li>Point of reporting and resolution of language-related queries and issues in consultation with all the relevant parties.</li> <li>"Flow" of information from settled language issues back into language management processes so as to prevent the occurrence of similar problems in future.</li> </ul> </li> </ul>	<p><b>OPERATIONALISATION OF LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR THE OMBUDS OFFICE AT THE NWU</b></p> <ul style="list-style-type: none"> <li>The Director Language Affairs acts as institutional language ombudsman and collaborates at each campus with the campus registrar as point of reporting and facilitation to deal with and resolve any language-related enquiries and issues.</li> <li>The ombudsoffice fulfils the following four-tiered role:             <ul style="list-style-type: none"> <li>Continuous feeding through of language management information that has an influence on the smooth flow of operational processes.</li> <li>Awareness-raising role as regards language rights of internal interest groups at the institution.</li> <li>Point of reporting and resolution of language-related queries and issues in consultation with all the relevant parties.</li> <li>"Flow" of information from settled language issues back into language management processes so as to prevent the occurrence of similar problems in future.</li> </ul> </li> </ul>	

<p><b>2.2 RESEARCH</b></p>	<p><b>LANG. POLICY PRINCIPLES</b></p> <p><b>2.2.1</b></p> <ol style="list-style-type: none"> <li>1. The NWU delivers quality research outputs that are read and utilised internationally; therefore researchers are encouraged to publish their research results in a language that is accessible to scholarly peers.</li> <li>2. The choice of language of publication is up to the researcher, while variables such as the purpose of the research report, the putative readership, as well as the language proficiency of the potential readers are taken into account when it comes to language choice.</li> <li>3. The NWU remains involved in the quest for creative solutions in a national contribution towards the intellectualisation of multilingualism<sup>3</sup>.</li> </ol>
<p><b>LANG. POLICY STATEMENTS</b></p> <p><b>2.2.2</b></p> <ol style="list-style-type: none"> <li>1. The language choice for research outputs remains with individual researchers and the decision is taken and carried out in consultation with the relevant focus area director.</li> <li>2. The Language Directorate stays involved in action research into the desirability and attainability of the intellectualisation of multilingualism and continuously reports the outcomes of this investigation to Institutional Management as part of the performance agreement system.</li> </ol>	<p><b>INSTITUTIONAL LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR RESEARCH</b></p> <ol style="list-style-type: none"> <li>1. For the sake of international competitiveness, the publication of research results at the NWU happens in a language or languages internationally accessible.</li> <li>2. As far as it is possible and in consultation with focus area directors, researchers are encouraged to also publish research results in a planned way in Afrikaans and the other indigenous languages in accredited scholarly journals that provide for these languages. If published in Afrikaans, also in accredited journals of the Dutch-speaking countries.</li> <li>3. Dissertations and mini-dissertations are primarily regarded as examination documents. The language of publication hereof is decided in consultation with the study-leader or promoter and focus area director. For the sake of the consolidation of the position of Afrikaans as language of higher learning, as well as the development of the other indigenous languages as higher education languages, students are also encouraged to present study reports for examination purposes in one of these languages</li> <li>4. The NWU establishes and maintains partnerships so as to contribute actively and measurably to the intellectualisation of multilingualism.</li> </ol>
<p><b>IMPLEMENTATION FRAMEWORK</b></p> <p><b>2.2.4</b></p> <p><b>OPERATIONALISATION OF LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR RESEARCH</b></p> <ul style="list-style-type: none"> <li>• The quest for quality research results in the international sphere, together with established research conventions that differ from discipline to discipline, the differentiation of this language plan statement is to be managed on focus area level.             <ul style="list-style-type: none"> <li>◦ Research planning done on programme and individual level provides for the way in which language of publication is accounted for by individuals working in the particular programme.</li> <li>◦ Researchers, in collaboration with focus area directors lobby the implication of language choice on the publication programme during the task agreement discussions.</li> </ul> </li> <li>• The Language Directorate, in collaboration with the Institutional Research Support Department networks continuously on the external level with national role-players (e.g. SA Akademie vir Wetenskap en Kuns, die Academy of Science in SA, HESA, other universities) to investigate the viability of publishing research results multilingually.             <ul style="list-style-type: none"> <li>◦ Internally, NWU researchers are encouraged to also submit the accompanying article abstracts in a South African language if the editorial policy allows for multilingualism.</li> </ul> </li> <li>• The Institutional Research Support Office and focus areas provide for language support to researchers.             <ul style="list-style-type: none"> <li>◦ This service entails the following:                 <ul style="list-style-type: none"> <li>▪ courses to hone academic report-writing skills</li> <li>▪ editorial and translation service to writers</li> <li>▪ interpreting services at research colloquia.</li> </ul> </li> </ul> </li> <li>• The Language Directorate, as part of the task agreement system, takes responsibility in the short, medium and long term for the inclusion of the intellectualisation of multilingualism as part of the NWU's strategic priorities.</li> </ul>	

<sup>3</sup> Intellectualisation of multilingualism refers to a language planning programme whereby the different languages used at the institution are not only developed and implemented to be used in the full academic domain (i.e. as languages for administrative, teaching and research purposes, but in particular it pertains to those measures that will ensure the scholarly use of the languages in such a way that it fosters the academic self-respect and values of the peoples of Africa.

## 2.3 ORGANISED STUDENT LIFE

<b>LANG. POLICY</b> 2.3.1	<b>LANGUAGE POLICY PRINCIPLE</b> 1. The linguistic diversity of students at the different campuses of the NWU is regarded as an institutional asset and contributes towards the establishment of an inclusive and accommodating student environment.			
<b>LANG. POLICY</b> 2.3.2	<b>LANGUAGE POLICY STATEMENT</b> 1. The language policy for the organised student life accounts for this diversity in the following way: within the functional multilingual environment, the language policy provides for the protection of the linguistic rights of students and also sees to it that vertical and horizontal communication at the respective campuses take the language demography and language preferences of persons concerned into consideration.			
<b>LANG. PLAN</b> 2.3.3	<b>INSTITUTIONAL LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR ORGANISED STUDENT LIFE</b> 1. The language demographic distribution of students and infrastructural capacity form the basis for choice of language code as regards vertical communication within organised student life at the different campuses of the NWU. 2. On each campus, an SRC member is internally appointed to act as point of liaison on student language matters between the Language Directorate and the said campus SRC. 3. On the basis of the diverse campus circumstances and depending on the language needs of each campus, the respective campus SRCs commit themselves to the establishment of a multilingual student culture on the said campus.			
<b>IMPLE- MENTATION FRAME WORK</b> 2.3.4	<b>OPERATIONALISATION OF LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR ORGANISED STUDENT LIFE</b> 1. The differentiation for the implementation of these recommendations happens at campus level. In this regard, the protection of the language rights of the diverse student community at the NWU acts as point of departure for vertical communication within organised student life. 2. Liaison between the Language Directorate and organised student life takes place by means of the SRC member for current affairs, this task being added to the relevant member's existing task agreement. It is recommended that such liaison happens once per quarter and that feedback in this regard is given to the respective SRCs and Dean of Student Matters. 3. The promotion of multilingualism takes place in a differentiated way per campus and remains part of the diversity management and strategic priorities of the particular term of office of the relevant SRC.			
	<table border="1"> <tr> <td data-bbox="818 1218 1129 1697"> <b>Matikeng</b>            • 93% of residential undergraduate students at the Mfikeng campus use Setswana as home language.            For historic reasons, English is used as primary formal language of communication within organised student life. Setswana has an established position as informal medium of communication.            • Policy and procedure documents are made available in English and Setswana.            • The campus SRC is committed to implementing the multilingual principle as set out in statutory obligations in the short, medium and long term at the Matikeng campus.         </td> <td data-bbox="818 725 1129 1218"> <b>Potchefstroom</b>            • 88% of residential undergraduate students at the Potchefstroom campus use Afrikaans as home language.            • Afrikaans has an established position as language of vertical communication within organised student life at the Potchefstroom campus.            • Policy and procedure documents are made available in Afrikaans and English.            • Student hearings and disciplinary hearings happen in the preferred language of the person involved.            • Procedures aimed at guaranteeing the protection of the diverse language rights of different students on campus, are developed and implemented in collaboration with the Language Directorate.            • So as to implement individual and societal multilingualism in the short term, it is planned to publish a phrase book with tailor-made multilingual phrases to be used by students who render service in the Student Rag community projects.         </td> <td data-bbox="818 224 1129 725"> <b>Vaal Triangle</b>            • 65% of residential undergraduate students prefer English as correspondence language and 35% prefer Afrikaans. Home language distribution: Afr: 35%; Sesotho: 26%; Eng: 11%; Setswana: 8%; isiZulu: 8%; isiXhosa: 5%.            • English is currently used as primary medium of communication within organised student life.            • Policy and procedure documents are made available in English, Afrikaans and Sesotho.            • Student hearings and disciplinary hearings happen in the preferred language of the person involved.            • For the sake of promoting greater inclusivity, the SRC deliberately use more Afrikaans and Sesotho within organised student life.            • The VTC SRC regards multilingualism a developmental instrument and is committed to projects aimed at the enhancement of individual and societal multilingualism on the campus.         </td> </tr> </table>	<b>Matikeng</b> • 93% of residential undergraduate students at the Mfikeng campus use Setswana as home language. For historic reasons, English is used as primary formal language of communication within organised student life. Setswana has an established position as informal medium of communication. • Policy and procedure documents are made available in English and Setswana. • The campus SRC is committed to implementing the multilingual principle as set out in statutory obligations in the short, medium and long term at the Matikeng campus.	<b>Potchefstroom</b> • 88% of residential undergraduate students at the Potchefstroom campus use Afrikaans as home language. • Afrikaans has an established position as language of vertical communication within organised student life at the Potchefstroom campus. • Policy and procedure documents are made available in Afrikaans and English. • Student hearings and disciplinary hearings happen in the preferred language of the person involved. • Procedures aimed at guaranteeing the protection of the diverse language rights of different students on campus, are developed and implemented in collaboration with the Language Directorate. • So as to implement individual and societal multilingualism in the short term, it is planned to publish a phrase book with tailor-made multilingual phrases to be used by students who render service in the Student Rag community projects.	<b>Vaal Triangle</b> • 65% of residential undergraduate students prefer English as correspondence language and 35% prefer Afrikaans. Home language distribution: Afr: 35%; Sesotho: 26%; Eng: 11%; Setswana: 8%; isiZulu: 8%; isiXhosa: 5%. • English is currently used as primary medium of communication within organised student life. • Policy and procedure documents are made available in English, Afrikaans and Sesotho. • Student hearings and disciplinary hearings happen in the preferred language of the person involved. • For the sake of promoting greater inclusivity, the SRC deliberately use more Afrikaans and Sesotho within organised student life. • The VTC SRC regards multilingualism a developmental instrument and is committed to projects aimed at the enhancement of individual and societal multilingualism on the campus.
<b>Matikeng</b> • 93% of residential undergraduate students at the Mfikeng campus use Setswana as home language. For historic reasons, English is used as primary formal language of communication within organised student life. Setswana has an established position as informal medium of communication. • Policy and procedure documents are made available in English and Setswana. • The campus SRC is committed to implementing the multilingual principle as set out in statutory obligations in the short, medium and long term at the Matikeng campus.	<b>Potchefstroom</b> • 88% of residential undergraduate students at the Potchefstroom campus use Afrikaans as home language. • Afrikaans has an established position as language of vertical communication within organised student life at the Potchefstroom campus. • Policy and procedure documents are made available in Afrikaans and English. • Student hearings and disciplinary hearings happen in the preferred language of the person involved. • Procedures aimed at guaranteeing the protection of the diverse language rights of different students on campus, are developed and implemented in collaboration with the Language Directorate. • So as to implement individual and societal multilingualism in the short term, it is planned to publish a phrase book with tailor-made multilingual phrases to be used by students who render service in the Student Rag community projects.	<b>Vaal Triangle</b> • 65% of residential undergraduate students prefer English as correspondence language and 35% prefer Afrikaans. Home language distribution: Afr: 35%; Sesotho: 26%; Eng: 11%; Setswana: 8%; isiZulu: 8%; isiXhosa: 5%. • English is currently used as primary medium of communication within organised student life. • Policy and procedure documents are made available in English, Afrikaans and Sesotho. • Student hearings and disciplinary hearings happen in the preferred language of the person involved. • For the sake of promoting greater inclusivity, the SRC deliberately use more Afrikaans and Sesotho within organised student life. • The VTC SRC regards multilingualism a developmental instrument and is committed to projects aimed at the enhancement of individual and societal multilingualism on the campus.		

**2.4 LANGUAGE ACQUISITION, LANGUAGE IMPROVEMENT AND ACADEMIC LITERACY**

<p><b>LANG. POLICY</b> 2.4.1</p>	<p><b>LANGUAGE POLICY PRINCIPLE</b></p> <ol style="list-style-type: none"> <li>At the different operating levels, the NWU contributes in a systematic and measurable way towards the improvement of the academic and multilingual competencies of staff and students, thus enabling them to function effectively in different contexts.</li> </ol>
<p><b>LANG. POLICY</b> 2.4.2</p>	<p><b>LANGUAGE POLICY STATEMENTS</b></p> <ol style="list-style-type: none"> <li>Provision exists for the presentation of the following courses/modules that can be enrolled for, either within or outside the curriculum:             <ol style="list-style-type: none"> <li>tailor-made language acquisition courses,</li> <li>improvement of English skills for social as well as academic purposes.</li> </ol> </li> <li>Provision exists at all campuses of the NWU for the monitoring and improvement of academic literacy proficiencies.</li> <li>Language management in classes is implemented by means of a language management model to monitor the quality of academic language use by staff and students in the best possible way.</li> </ol>
<p><b>LANG. PLAN</b> 2.4.3</p>	<p><b>INSTITUTIONAL LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR LANGUAGE ACQUISITION, LANGUAGE IMPROVEMENT AND ACADEMIC LITERACY</b></p> <ol style="list-style-type: none"> <li><u>Language acquisition</u> <ul style="list-style-type: none"> <li>Where the inclusion of a third language module in particular teaching programmes forms part of the programme outcomes, the deliberation towards such an inclusion forms part of the programme alignment process.</li> <li>On some campuses, basic language acquisition modules form part of the electives on third year level.</li> <li>Basic language acquisition courses, externally to the programme specifications, are offered on all campuses of the NWU and administered and offered by the relevant Schools of Languages/Language Department.</li> <li>For the sake of the expansion of individual multilingualism, students and staff are encouraged to enrol for basic language acquisition courses. Front-line staff at all service points should have multilingual proficiencies.</li> </ul> </li> <li><u>Language improvement</u> <ul style="list-style-type: none"> <li>Modules in English and Afrikaans for the professions are currently offered on third year level as elective on two campuses of the NWU.</li> <li>On all campuses of the NWU language improvement courses, externally to the programme specifications, are administered and offered by the relevant Schools of Languages/Language Department.</li> <li>Tailor-made language enhancement courses aiming at the writing of academic articles/research reports are offered in an organised way across the institution, and post-graduate students and researchers are encouraged to attend these courses.</li> </ul> </li> <li><u>Academic literacy</u> <ul style="list-style-type: none"> <li>The co-ordination of policy matters concerning academic literacy takes place by means of an overarching institutional structure.</li> <li>The programme owners of the module in Academic Literacy at the respective campuses, in consultation and collaboration with the overarching institutional structure, jointly assume responsibility for the development of the placement instrument, teaching-learning and assessment of the module. These subject groups collaborate through the school structures on inter-campus levels, and on national level with scholarly peers for the sake of general benchmarking and the development of best practice principles.</li> <li>Action research on academic proficiency happens continuously and in an organised manner. The aim herewith is to feed the research outcomes back into the management loop so as to refine the academic proficiency module.</li> </ul> </li> <li><u>Language management in classes</u> <ul style="list-style-type: none"> <li>4.1 The micro-level monitoring of the effectiveness of language management within the teaching-learning situation happens by means of a set of procedures. Amongst others, these procedures entail the assurance that optimal communication takes place in class, assurance that the language rights of students and staff are protected, as well as assurance that answer sets are assessed by markers that are sufficiently proficient in the report language.</li> </ul> </li> </ol>
<p><b>IMPLEMENTATION FRAME</b></p>	<p><b>OPERATIONALISATION OF LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR LANGUAGE ACQUISITION, LANGUAGE IMPROVEMENT AND ACADEMIC LITERACY</b></p> <ol style="list-style-type: none"> <li>Language acquisition             <ul style="list-style-type: none"> <li>The current institutional programme alignment process is the primary vehicle for the realisation of the language plan aims as regards the acquisition of individual multilingual</li> </ul> </li> </ol>

<p><b>WORK</b> 2.4.4</p>	<p>proficiencies of students. For staff members this could be done by means of an adaptation of extra-curricular courses already offered by the respective schools of language.</p> <ul style="list-style-type: none"> <li>• Differentiation happens at campus level.</li> <li>• The Language Directorate remains involved on a policy level.</li> </ul> <p><b>2. Language improvement</b></p> <ul style="list-style-type: none"> <li>• The current institutional programme alignment process is the vehicle for realising the recommendations forming part of the programme outcomes of certain teaching programmes.</li> <li>• Initiatives from the relevant Schools of Languages and the Languages Department, as well as focus areas, are important for the realisation of outcomes aimed at the improvement of language skills and the honing of academic language.</li> <li>• The Language Directorate remains involved on a policy level in this process.</li> </ul> <p><b>3. Academic literacy</b></p> <ul style="list-style-type: none"> <li>• The status and content of the language plan stipulations pertaining to academic literacy form part of the current institutional programme alignment process.</li> <li>• The launching of an institutional strategic discussion on academic literacy is of key importance for the further course of the management of academic literacy at the NWU.</li> <li>• The Language Directorate remains involved on a policy level in this process.</li> </ul> <p><b>4. Language management in classes</b></p> <ul style="list-style-type: none"> <li>• The Language Directorate and members of the Senate Task Team, in collaboration with AS, is responsible for the initial conceptualisation, documentation and liaison for the set of procedures. This language plan statement is dealt with by means of a pilot project within the Language Directorate in 2007.</li> </ul>
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**2.5 LANGUAGES FOR ADMINISTRATION, WORK AND CORRESPONDENCE**

<p><b>LANG. POLICY</b> 2.5.1</p>	<p><b>LANGUAGE POLICY PRINCIPLES</b></p> <ol style="list-style-type: none"> <li>1. The diverse linguistic reality at the different operating levels of the institution as well as sensitivity towards the language preference of internal and external interest groups is directional for the determination of working languages and languages of administration at the NWU, as well as the determination of language choice for internal and external communication at the institution.</li> <li>2. The determination of language choice for internal and external communication continuously takes the following factors into consideration: the situation/context of communication, the purpose of the communication, the language needs and levels of language proficiency of interlocutors.</li> </ol>
<p><b>LANG. POLICY</b> 2.5.2</p>	<p><b>LANGUAGE POLICY STATEMENTS</b></p> <ol style="list-style-type: none"> <li>1. The implementation of functional multilingualism for working and administrative purposes happens in a systematic and goal-oriented way. By means of a consultative process, strategies are lobbied and structures put in place in an ongoing way so as to implement functional multilingualism at the NWU workplace as optimally as possible, with due recognition of the language rights of stakeholders.</li> <li>2. External and corporate communication happens professionally in the official languages of the NWU – English, Afrikaans, and Setswana – and the choice of language of communication is continuously determined by the purpose of the communication event, the language needs and language competencies of interlocutors.</li> </ol>
<p><b>LANG. PLAN</b> 2.5.3</p>	<p><b>INSTITUTIONAL LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR LANGUAGES OF ADMINISTRATION, WORKING AND CORRESPONDENCE</b></p> <ol style="list-style-type: none"> <li>1. The operational environment functions continuously multilingually in English, Afrikaans, Setswana Sesotho, and the choice of languages for work, administration and correspondence is applied in a diversified manner. The choice and use of these three languages depend on the situation/context of communication, the purpose of the communication, the language needs, and levels of language proficiency of interlocutors.</li> <li>2. English, Afrikaans and Setswana are used by the Institutional Office, while the Matieling Campus uses English and Setswana, the Potchefstroom Campus Afrikaans, English and Setswana, and the Vaal Triangle Campus English, Afrikaans and Sesotho. While the presence of English and Afrikaans as working and administrative languages currently dominates that of Setswana, the institution capitalises on its current and proven expertise to phase in Setswana in a planned way into the operational environment.</li> <li>3. The choice for Setswana as third operational language at the NWU not only emanates from regional demographic reasons, but also from the recommendations made by the ministerial report of the Ndebele commission. Conversely, it is immediately admitted that the dominant position of Sesotho in the Vaal Triangle means that the Vaal Triangle Campus of the NWU should accept responsibility to contribute towards the use of Sesotho in the campus operational environment.</li> <li>4. The full realisation of the multilingual operational environment at the NWU takes place progressively by means of measurable procedures and strategies that are implemented over the short, medium and long term.</li> </ol>
<p><b>IMPLEMENTATION FRAMEWORK</b> 2.5.4</p>	<p><b>OPERATIONALISATION OF LANGUAGE PLAN IMPLEMENTATION FRAMEWORK FOR LANGUAGES OF ADMINISTRATION, WORKING AND CORRESPONDENCE</b></p> <ol style="list-style-type: none"> <li>1. At institutional level, the realisation of these outcomes, amongst others, forms part of the so-called process for shared support that is currently implemented in all sections of the Institutional Office. In this regard, the Language Directorate, in collaboration with all managers at Institutional Office, remains responsible for the efficiency of implementation of these language plan statements, as well as for the continuous refinement of domains and parameters for the implementation of a functional multilingual operational environment at the NWU.</li> <li>2. At campus levels, the respective campus secretariats, in collaboration with Marketing and Communication, are responsible for the establishment of a functionally multilingual operational and internet environment. At institutional level, the Corporate Communication section assumes responsibility for the functionally multilingual external communication programme.</li> <li>3. <b>OPERATIONALISATION, administration languages and document development:</b> "Developing" documents, e.g. policy frameworks, are developed in a primary working language (one of the working languages of the institution), and are continuously edited and amended in the particular language. Once the document has been finalised and submitted to an approved by a policy-making body, such a document is translated into the other working languages of the institution.</li> <li>4. <b>OPERATIONALISATION, working languages and languages of meetings:</b> Operational sections decide on their own on working languages on condition that the diverse language rights and language needs of interlocutors are accounted for.             <ol style="list-style-type: none"> <li>4.1 Campus meetings: documentation and language of discussion is the campus language or campus languages, provided that the diverse language rights and language needs of interlocutors are accounted for.</li> <li>4.2 Meetings that involve sections from the institutional office as well as representatives from campuses, are sensitive to the language preferences and language needs of campus representatives and provide for the accommodation of the diverse language needs. (Cf. Addendum A).</li> </ol> </li> <li>5. <b>OPERATIONALISATION, correspondence:</b> Choice of internal and external correspondence languages reflects sensitivity towards the language preferences and language needs of the receivers of the correspondence.             <ol style="list-style-type: none"> <li>5.1 Internal communication from an institutional office section to levels of operation/individuals takes place in the campus language or language of preference of the individual.</li> <li>5.2 External communication takes place in the language of preference of the receiver.</li> </ol> </li> </ol>

<p><b>Matikeng</b></p> <ul style="list-style-type: none"> <li>English enjoys an established position as language of wider communication at the Mafikeng Campus.</li> <li>The statutory obligation to elevate the position of Setswana as working language within the HE sector is acknowledged and subscribed to.</li> <li>Due to communication problems emanating from the sole use of English as working language at the MfK Campus, and the consequent alleged violation of language rights, it is recommended that Setswana is phased in over the short, medium and long term for working and administrative purposes.</li> <li>The recommendation is made that vertical communication dealing with workplace issues, as well as general academic communication per notice board, also take place in Setswana.</li> <li>Signage and graduation ceremonies should provide for the utilisation of Setswana.</li> <li>Electronic Mafikeng Campus News: primary medium of communication is English.</li> </ul>	<p><b>Potchefstroom</b></p> <ul style="list-style-type: none"> <li>The campus secretariat provides, during the production process towards submission of documents to Instit. Secretariat for translation. In instances where they do not take care of the administration of translation, documents should be submitted two weeks prior to deadline to provide for the translation.</li> <li>Campus secretariat compiles a data-base with frequently used phrases normally used for inter-campus purposes and see to the prior translation thereof.</li> <li>Promotional material for teaching programmes is published in the teaching language of the programme. An explicit indication is included on the language medium of the particular programme.</li> <li>Calendars and letter of acceptance to applicants contain information on the teaching language of programmes.</li> <li>Application forms are available bilingually. Students give an indication of preferred language of communication and receive all communication afterwards in language of preference (A / E).</li> <li>Graduation certificates are printed in the language of instruction of the particular teaching programme. Provision should be made for English certificates for interpreted programmes or English programmes.</li> <li>Graduation certificates for Afrikaans programmes also available by means of certified translations. Academic records throughout available in A and E regardless of programme language.</li> <li>Graduation ceremonies: Functionally multilingual</li> <li>The matrix language for study guides is Afrikaans. All modules in programmes delivered by means of interpreting services also have English study guides. According to a four-year rolling plan, provision is made for the availability of study guides in English, additional to Afrikaans. The Language Service, together with the Study Guide section at AS, take care of the quality control of language in study guides.</li> <li>Focus Area and inter-campus meetings, as well as programme alignment discussions are functionally multilingual and interpreting services are available.</li> <li>Blitsnuus : Afrikaans is primary communication medium. Messages also in English.</li> </ul>	<p><b>Vaal Triangle</b></p> <ul style="list-style-type: none"> <li>Administration at the VTC is functionally multilingual. Campus documentation for staff is predominantly in English, while the choice for training and meeting purposes depend on the language needs of interlocutors.</li> <li>Meeting administration: English is pivot language for documentation for campus meetings. Meeting language is functionally multilingually with interpreting services at Management Committee Meetings. Faculty and Campus Senate meetings: A&amp;E. Language for meeting and documentation purposes for school and section meetings depends on language commonality of participants.</li> <li>Graduation certificates: Available A &amp; E and is abstracted manually from system.</li> <li>Graduation ceremonies: Functionally multilingual</li> <li>Vertical communication with students (financial statements, general academic administration) is in the preferred language of the student (A/E)</li> <li>Study guides: A or E/AE.</li> <li>Valk-Nuus/VTC News: A/E</li> </ul>
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2. Two ministerial documents apply: (i) National Language Plan for Higher Education, published in 2002 and (ii) the so-called Ndebele report, published in 2005

<p><b>Institutional Office</b></p>	<p><b>Human resources</b></p> <ul style="list-style-type: none"> <li>Forms (application, travel and subsistence, leave) multilingually available (more than one language per form). Availability as follows: PC and VTC: AE; Mk: E/S.</li> <li>Advertisements for posts are bilingually (A, E) available. Availability as follows: PC and VTC: AE; Mk: E.</li> <li>Generic documents available in A&amp;E. Verbal communication to campuses in the campus languages: PC and VTC: A&amp;E; Mk: E.</li> <li>Communication per letter to individual staff members/operational levels: functionally multilingual (salary, pension, workplace issues) in campus language or preferred individual language.</li> </ul> <p><b>Organisational learning and development</b></p> <ul style="list-style-type: none"> <li>Internal training – on campus and institutional level– by OLD staff: functionally multilingual. Documentation: functionally multilingual. (A &amp; E)</li> <li>Training by external trainers: current practice, predominantly English (depending on the language competency of trainer). Documentation: probably in English. Interpreting services are provided to allow participants to participate in preferred language.</li> <li>Telephone language: answer as briefly as possible and wait for response so as to determine language choice and respond accordingly.</li> </ul> <p><b>Operational meetings: Inst. Office and campus representatives (e.g. AS, ICAS, Financial meetings, Quality Office)</b></p> <ul style="list-style-type: none"> <li>Language facilitation by chairperson or by interpreting services on condition that participants can participate in language of their choice. See Addendum A.</li> </ul> <p><b>Institutional secretariat</b></p> <p><i>NB: for the sake of streamlining the multilingual administration, a viability study is conducted early in 2007. Its aim is to determine the possibility of using Trados computer-assisted translation software for institutional secretariat purposes. Role players: LD and School of Languages, VTC.</i></p> <p><b>Council meetings</b></p> <p><b>Documentation:</b></p> <ul style="list-style-type: none"> <li>Agendas: in 3 languages because of Trados pilot project.</li> <li>Minutes: unilingual in E. (later on part of pilot project and later available multilingually)</li> <li>Documents attached for elucidation: not only in Afr or Sels.</li> </ul> <p><b>Interpreting:</b></p> <ul style="list-style-type: none"> <li>Unidirectional into English because of cost considerations.</li> <li>Floor language: AVE/Seiswana</li> </ul> <p><b>Meetings of Senate</b></p> <p><b>Documentation</b></p> <ul style="list-style-type: none"> <li>Agendas in 3 languages because of Trados pilot project.</li> <li>Minutes in 3 languages because of Trados pilot project.</li> <li>Documents attached for elucidation: not only in Afr or Sels. The responsibility lies with submitters to submit documents 2 weeks in advance of due date, or in translated format on due date.</li> </ul> <p><b>Interpreting</b></p> <ul style="list-style-type: none"> <li>Unidirectional into English because of cost considerations.</li> <li>Floor language: AVE/Seiswana</li> </ul> <p><b>Policy documents, rules and procedures</b></p> <ul style="list-style-type: none"> <li>Currently, at least available in two languages, with stretch goal to have them also available in Setswana as soon as possible.</li> </ul> <p><b>Corporate communication</b></p> <p><u>Newsletter from Council and the Vice-chancellor</u></p>
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	<ul style="list-style-type: none"> <li>• Available in 3 languages. Time-course of publication as short as possible, but not more than 3 working days.</li> </ul> <p><u>Annual report</u></p> <ul style="list-style-type: none"> <li>• Available in 3 languages. Time-course of publication as short as possible, but not more than 6 weeks.</li> </ul> <p><u>Internet</u></p> <ul style="list-style-type: none"> <li>• Available in 3 languages. Language choice directs navigation. Up to third level of navigation in 3 languages.</li> <li>• Campus documentation available in campus languages.</li> </ul> <p><u>Intranet</u></p> <ul style="list-style-type: none"> <li>• Available in campus languages. Currently busy with pilot project to determine the use of interactive lexical translator at intranet level.</li> </ul> <p><u>Role players: Language Directorate, CTeXT, ITM as sub-committee of Web committee.</u></p> <p><u>Campus signage</u></p> <ul style="list-style-type: none"> <li>• Functionally multilingual!</li> </ul> <p><b>Oracle operational system</b></p> <ul style="list-style-type: none"> <li>• English is the default language of the operational system.</li> <li>• Training is functionally multilingual: programme documentation; E. Training documentation: A and E.</li> <li>• Conversion tables are available bilingually.</li> <li>• Management information: currently only in E.</li> <li>• HR type letters to staff also available in A.</li> <li>• Salary slip currently only in English. Investigation currently running via CTeXT to make this available in other working languages as well.</li> <li>• Communication of the language limitations of Oracle should be done by project leaders and campus managements.</li> </ul> <p><b>Workplace and employment equity forums</b></p> <ul style="list-style-type: none"> <li>• Documentation for meetings: currently available in 2 languages. Stretch goal: 3 languages.</li> <li>• Policy and procedures: 3 languages: A/E/Setsw</li> <li>• Language of meetings: bilingual and interpreting into indigenous languages.</li> <li>• Suggestion: manufacture training DVD on disciplinary code and distribute in 3 languages.</li> </ul> <p><b>Institutional forum</b></p> <ul style="list-style-type: none"> <li>• Documentation for meetings currently available in 2 languages.</li> <li>• Policy and procedures available in 2 languages.</li> <li>• Language for meetings: bilingual rotation by chairperson. Participants take part in preferred language and chairperson facilitates (see Addendum A).</li> </ul>
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## Language facilitation by means of interpreting services, First-years reception, Potchefstroom Campus (ABSTRACT FROM UNILIST SYSTEM)

The following table provides comprehensive information on the rendering of interpreting services into English to students at the PC during the reception period of 1st years

Date	Time	Activity	Venue	Service requested by	Interpreter
11 Jan. 2012	17:00-20:00	AKSA First-years camp	Legayim, close to Fochville	Andrea Viviers	Konrad
12 Jan. 2012	11:00-13:00	AKSA First-years camp	Legayim, close to Fochville	Andrea Viviers	Konrad
13 Jan. 2012	11:00-13:00	AKSA First-years camp	Legayim, close to Fochville	Andrea Viviers	Konrad
14 Jan. 2012	07:45-08:45	Opening	Amphi	Marketing Office	Willem
14 Jan. 2012	09:00-10:30	Reception of 1st years(20): Education	C5-G05	Louisa Knight	Lynn
14 Jan. 2012	09:00-10:30	Reception of 1st years(20): Education	C7-DeLarey Hall	Louisa Knight	Marleen
14 Jan. 2012	09:00-10:30	Reception of 1st years: Nursing	E3(EW)-K12	Engela vd Walt	Leia-Ann & Eiri
14 Jan. 2012	09:00-10:30	Reception of 1st years - Engineering	Sport Centre	Karte le Roux	Arno & Ina-Lize
14 Jan. 2012	09:00-10:30	Reception of 1st years: B Pharm	G20-101	Hannelie Nortje	Gerhardu & Leia-Ann
14 Jan. 2012	09:00-10:30	Reception of 1st years: Economics & Management: Sciences	Amphi	Judie Coetzee	Dwayne & Therna
16 Jan. 2012	08:00-08:50	Reception, welcoming and information session: NPDES	C5-G06	Tom Mosiane	Lynn Gilliers
20 Jan. 2012	08:30-10:00	Assistance with 1st-year curriculum information (20)	G20-101	Retha Potgieter	Konrad & Arno
20 Jan. 2012	09:00-13:00	O&B: Curriculum Control	JCC-G01	Alpha Marais	Marike & Zannelize
23 Jan. 2012	08:00-10:45	O&B: Academic Orientation	JCC-G01	Alpha Marais	Marike & Zannelize
30 Jan. 2012	08:00-10:00	Practicals for Engineering classes - class organisation	Amphi	Gerhard Moerdyk	Niel, Susan, Christien, Konrad, Arno, Ina
30 Jan. 2012	07:30-?????	1st-years Breakfast	G20-101	Anmarie van Niekerk	Gerhardu
30 Jan. 2012	07:00-08:00	1st-years Breakfast	Skyhof	Chantelle Labuschagne	Henk
30 Jan. 2012	08:00-13:00	O&B: Law orientation	NW-111	Alpha Marais	Marike & Jonette
30 Jan. 2012	08:30-09:00	O&B: Senior students	JCC-G01	Alpha Marais	Zannelize
30 Jan. 2012	08:00-13:00	1st-years orientation	School of Nursing	Mada Watson	Eiri Joubert
31 Jan. 2012	08:00-13:00	1st-years orientation	School of Nursing	Mada Watson	Eiri Joubert
31 Jan. 2012	08:00-13:00	O&B: Law orientation	JCC-G42	Alpha Marais	Marike & Jonette
31 Jan. 2012	08:30-09:30	O&B: Senior students	JCC-G01	Alpha Marais	Zannelize
01 Feb. 2012	08:00-13:00	O&B: Law orientation	JCC-G42	Alpha Marais	Jonette & Zannelize
01 Feb. 2012	10:00-12:00	Official opening of the Potchefstroom Campus	Sanlam Auditorium	Alpha Marais	Gerhardu
27 Feb. 2012	21:30-22:30	Heide Residence meeting	Heide Res	Suzelle Buys	Melissa/Ina

**SASCO's view on the death of 19 year old Thabang Mokhoang (5 February 2012)**

Upon the arrival of the news that we have lost a prospective 1<sup>st</sup> year student throughout the processes of orientation, we as SASCO aligned to our duty undertook to enquire into the matter. On the 22<sup>nd</sup> of January 2012 upon receipt of the bad news about Thabang Mokhoang's death we were informed of the following facts in a meeting with the Rector (Prof. Herman D van Schalkwyk, Dean of students, the Chairperson of the SRC (Chrisna Kraaij) and the house father of the Ratau men's hostel (Mr. Theo Fouti).

Upon enquiry in a meeting with the abovementioned on the 22<sup>nd</sup> of January, SASCO was informed that Thabang Mokhoang had passed away by drowning, that the necessary safety precautions were implemented, such as life-guards and that students were asked whether they knew how to swim and those who couldn't swim stood aside. We were further informed that the cameras at the swimming pool area would be viewed for confirmation. We were totally not satisfied with the explanation given as we felt that the facts were manipulated therefore misleading, hence any insinuation we made of negligence was crushed.

In the same meeting at the Ratau men's hostel we also learnt of the alleged fact that the deceased had written a very disturbing note. Insinuations of suicide were indirectly made, as they commented that, they are not saying that it is suicide, however, the note written by the deceased was very disturbing. This information was conveyed to us by the abovementioned officials of NWU, Puk-campus. Shockingly, we discovered, after Thabang's funeral at his home, whereupon the mother of the deceased provided us with the alleged "disturbing" note. The note as we read and understood it, the deceased thanked his mother for all that she has done for him, further on informing her that even though he has not had the opportunity to properly thank her, the day will come for that.

On the contrary while the officials allege that the note was disturbing, we, however, found it to be touching instead. We now ask the question: How then can the truth be revealed when the people who should be protecting us are giving such misleading information?

In a meeting held on the 23<sup>rd</sup> of January 2012 with the Dean of Students we were informed of the alleged facts that there were 14 marshals present at the pool area, 6 emergency service personnel, 4 ER24 paramedics and health care personnel of the NWU. We were informed in this same meeting upon enquiring as to the manner in which the first years went into the water, the Dean laid out that they jumped into the water like dominos. Upon enquiry about the cameras in the pool area, we were informed by the Dean that the cameras do not really show much as they are focused at the entry gate. At this point we were still not satisfied with the explanation given, because we were previously promised that the camera's will reveal the 'truth'.

On Saturday the 28<sup>th</sup> of Jan 2012, at the funeral SASCO was represented by the Chairperson of the branch BM Mogorosi. A report came back underlining the dissatisfaction of the family, friends and relatives of the deceased. Sannah Mokhoang, the mother of the deceased expressed her dissatisfaction by enquiring as to why would the deceased go into the swimming pool while knowing very well that he could not swim. The mother of the deceased further enquired as to how her son ended up staying at the University as they understood that he went to Potchefstroom only for registrations, little did they know that he was going for orientation. The family expressed their dissatisfaction with regard to the explanation given to them about the death of their beloved, commenting that the story doesn't add up!

Another incident of orientation going bad in our institution is that of a 1<sup>st</sup> year student resident in Oosterhof female hostel, whereupon a black female student assaulted her senior when she was called a "poor thing" by a white student. The incident was resolved internally as we believe that the institution would not have taken harsh steps as there would be a possibility that the issue would have been blown out of proportion. A related incident broke down at the Veritas men's hostel where a 1<sup>st</sup> year was assaulted by his seniors. The situation was also resolved internally. (Is this all for 2012?)

This year in the events of orientation, a student's life was lost in the presence of 79 other students, 14 marshals, 6 emergency service personnel, 4 ER24 paramedics and healthcare staff of the institution present at the swimming pool area. The University claims that the necessary safety precautions were implemented, why then were there

no professional "swimming life-guards" and not marshals. It became apparent that the students who jumped into the water had their arms hooked like a chain, they would then fall into the water and swim out. Now logically, the first question that should be asked would be, "couldn't the students on the deceased right hand side and left hand side feel any form of struggle by the student who was in between them"? Second to that, when the students left the pool area, couldn't they see that one of the few (five) black students was missing in their line of sequence? There are more questions than there are answers to the death of Thabang, however his death remains a mystery.

Currently we have lost our trust in the investigations of the SAPS for simple reasons. Firstly, an article was released in the Herald newspaper of 3 February 2012, whereupon, the SAPS illustrate why the deceased lasted for just over 2 hours under water. It is illustrated in the article by showing pictures of divers, a group of students and a policeman. It is explained in the article that the student lasted so long because the water was not clearly visible. The first picture shows a number of divers standing at the shallow side of the pool; the second shows them swimming towards the deep side but still at the shallow side. Now it is concluded that because there was some swimming and the water was unstable (splashed), another picture was illustrated showing students splashing the water. The last picture shows the water without the visibility of the divers. However, upon close observation one would notice that the angle of the photo is different. This last photo was taken at the deep side of the pool and is therein alleged that the divers are in the water. Common sense led us to the realization that the initial photo was taken at the shallow side and the concluding one at the deep side.

We might have it wrong about the photos or maybe the Herald wants the public to be blinded by the photo illustration. We refer back to the issue of why we lost trust in the SAPS in this regard. The SAPS submitted these photos to the Herald; as a result we strongly believe that the SAPS views the situation the same. The cause of uncertainty in this regard is the changing of angles of the initial photo and the last one. They could have done better than that!

We refer back to the issue of the necessary safety precautions. In this regard, we believe strongly that the university never even considered the safety of these students in the event of the 'swimming tradition'. We speculate after carefully considering the facts presented, that the institution assumed that all the first years could swim. The institution failed to consider the possibility of any student not being able to swim. Negligence by the institution and the senior students present at the event is painted all over the deceased's death.

Who should be held accountable? Primarily, any observer of a person drowning who stands by and does nothing must be held liable. But vicarious liability should be directed to a life-guard should one have been appointed and placed at the swimming pool area as a life-guard's area of proficiency would be to observe carefully for any victims of drowning. But the question remains, did the institution consider the safety of the first years by hiring life-guards? Would the deceased have lasted for so long under water should there had been any life-guards? If there was life-guards at the swimming pool area, would the body of the deceased be discovered by senior students of Ratau instead of the life-guards? The question remains: Were the necessary safety precautions implemented? Why were all instructions given in Afrikaans, whilst this university pride itself in providing interpretation services?

Who should be held accountable? In the absence of the necessary safety precautions, the institution should be held accountable. Parents from all over, drop their beloved children at this institution believing very well that they are in a safe environment. Unfortunately for the single parent and family of Thabang Mokhoang, they were greeting him for the last time as they thought that the deceased was going to a safe environment. Little did they know that negligence has been a great cause of many misfortunes in our country?

In this regard, we would like to acknowledge the work and research done by Charl du Plessis for the article published in the City Press of the 29<sup>th</sup> of January.

**Strong Recommendations from SASCO:**

- The truth should be revealed to the public, who is currently misled by fabricated information to justify negligence
- The DHET must appoint a Task Team to embark on an independent investigation to uproot the truth and vehemently assist the NWU, Puk Campus in their journey to transformation.
- The broader transformational challenges should be addressed at the NWU-Puk Campus, e.g. Student Equity; Language challenges; Discriminatory Residence Practices/Policies under the umbrella of 'orientation' should be revisited and changes
- Justice must prevail to the satisfaction of the late Thabang Mokhoang's mother

B.M Mōgorosi (Chairperson)

L.M Marumō (Deputy Chairperson)



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14 February 2012

Mr V Mothobi  
Executive Director Development of Human Capital  
Box 99  
NWU

Dear Mr Mothobi

**ISRC meeting: Friday 10 February 2012**

I would like to bring it to your attention that I am very dissatisfied with the ISRC meeting of 10 February 2012. The entire meeting dealt with Thabang's death. During the entire meeting, both the Mafikeng and Vaal Campuses alluded to it that we were responsible for his death and that initiation on our campus is out of control. Several questions were posed to me which I had to answer, but I was afforded no opportunity to do so. Anything I said was taken out of context to demonstrate that his death in no way affects me and that the Potchefstroom Campus' Student Council had made no attempts to establish what exactly had led to his death.

What annoyed me most was that Tadashi Sabalele (ISRC President) had given Bongani from SASCO permission to attend the meeting. He took over the entire meeting. It is clear that he had already had contact with the other two student councils prior to the meeting and that they had teamed up to send the meeting in this negative direction.

Tadashi also did not fulfil his role as chairperson of a meeting and was by no means objective. Time and again he purposefully pretended not to see that Dr Sedibe and I wished to have a turn to speak and simply gave other members a platform to talk. In no way was he objective and directly chose sides during the meeting.

Mafikeng and Vaal decided to send a letter to Council containing recommendations. The rest of my SC and I made it clear that we are opposed to the letter and that, according to the rules of the ISRC; they are not allowed to send the letter without our consent. They refused to listen to reason and decided to still proceed with the letter. The chairperson of the meeting has a role to ensure that the meeting is dealt with in accordance with the rules as stated in the constitution. Hence, once again Mr Sabalele has not met his obligations. Ridiculous claims were made in the letter and we were only allowed to indicate which statements we did not agree with. They wish to circulate the letter to Council, the Minister and many more. This letter will place NWU in a bad light and it will lead to more negative publicity.

It is clear to me that the ISRC members do not all know their place and want to act against decisions that had already been taken by Council. Tadashi also communicated to the ISRC that the proposals made by Council will definitely take place (building of house, bursary money

etc). I pointed out to him that these are only proposals and that Council has left it to the discretion of Management for decision. He then made it clear to the rest of the ISRC that it is not the case and that it will definitely happen. I only bring it to your attention, since I am certain that Bongani (SASCO chairperson) will be conveying this information to the family and that we, the University, will be responsible for it. It is totally unacceptable for an ISRC chairperson to communicate incorrect information to a meeting that can then be communicated wrongly to the public.

Dr Sedibe was also hardly afforded the opportunity to air his opinion at the ISRC meeting, since they kept telling him that he is acting out of the order (exactly what they did when I spoke). Thadashi and Lebogang's behaviour towards him was absolutely without respect and I feel that this matter should be addressed. It is unacceptable to treat someone in this manner in the presence of others who have to work under him in the future. How must Bongani ever take him seriously if his own colleagues do not even do so?

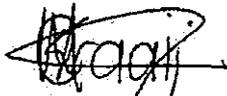
Furthermore I wish to bring it to your attention that the "Constitutional Summit" of 1-3 March will be a complete chaos. They want to change parts of the Constitution, which will cause the ISRC to have a stronger say than the Student Council Members of the respective campuses, since they do not want the ISRC to only act in an advisory capacity. They also want to change point 14 concerning *consensus*. I can say with certainty that this camp will have no structure. ISRC members each have their own agenda and do not even listen to Dr Sedibe. Their behaviour is extremely unacceptable and I do not see my way open to expose the rest of my Student Council to it. To me it feels as if this will be a repeat of the camp in 2010.

Furthermore, I also wish to bring it to your attention that the Constitution of the ISRC can by no means be revised by the ISRC itself. I can say with certainty that the three campuses will not mutually agree with any of the proposals for change, since each one wants to protect its own interests! I therefore wish to propose that management urgently obtain legal advice for making changes to this document. It should also be ensured that the Chairperson of the ISRC does not have so much power as currently is the case. It causes unnecessary tension and discord!

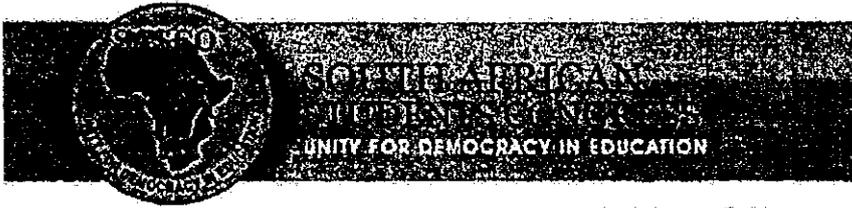
I thus request that this camp be cancelled and that other plans be devised to get the ISRC's Constitution in order.

I hope to hear from you in this respect.

Kind regards



**Chrisna Kyaaj**  
**SC: Chairperson**  
**Potchefstroom Campus**



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Mr PJ van der Walt  
 Chairperson of Council NWU  
 Potchefstroom  
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**Re: Irregularities in the independent investigation into the death of Thabang Mokhoang**

We refer to the above and confirm that we are acting in the best interests of students, and that this letter serves as a report of an irregularity in the independent investigation of the deceased first year.

On the 22<sup>nd</sup> of February 2012 I received a phone-call from Mr. Werner Coetzee requesting me to be interviewed by the two Advocates that have been appointed to investigate into the death of the deceased "prospective" first-year student (Thabang Mokhoang). The interview was scheduled for 15:00pm and I confirmed my attendance.

Upon my arrival at room 159 at the F1 building at NWU-Puk campus, I introduced myself to a Mr. Vusi Pikoli and Mr L. De Koning. I took a seat and waited to be informed of the proceedings that were to take place. Before proceeding, I was informed that a Mr. Werner Coetzee was to be present in the interview as he is appointed as the liaison of the whole proceedings. Upon the arrival of the latter, I was shocked to observe him sitting in what we are supposed to refer to as an "Independent Investigation" that I at the moment thought it to be one appointed by

the Dept. of Higher Education and Training, as stated in an Afrikaans sms to students. The misconception I believe was caused by the Afrikaans sms I received just like any other student of the NWU, which was sent to us informing us that two senior advocates had been appointed to do an investigation into the death of ThabangMokgoang.

The two advocates, Mr. L. De Koning and Mr. V. Pikoli upon my arrival, I confirm they did not adequately introduce themselves, because they failed to state their positions and indicate as to whom appointed them. This concern later raised a dispute whereupon, I made reference to the Minister of Higher Education having appointed them and I was thereby rectified being informed by Advocate Pikoli that the investigation is an initiative of the Council of the NWU. In an attempt to resolve this conflict, Advocate De Koning stipulated that the recording will reveal whether he informed me as to who appointed them or not upon introductions.

I hereby, challenge the legitimacy of the "Independent Investigation". It was provided in this meeting by both advocates that they are independent from the NWU. However, I failed to understand what they meant by indicating that they were independent whereupon we had an official employee of the NWU being present in an "Independent Investigation" being conducted by two independently appointed Advocates. I raised this concern after having requested that Mr. Coetzee be excused from the interview as I felt that the whole objective of the investigation was being compromised, being the "independence" of the whole investigation.

The questioning of Mr. Coetzee's presence was questioned whereupon I was requested to disclose the name of a first year student I consulted with before going for the interview. I protected the first-years identity for fear of possible victimisation of that particular individual. Both Adv. De Koning and Pikoli in an attempt to persuade me to disclose the identity of the first-year, managed to make me "consider" disclosing this first years identity. As a result, I requested that Mr. Coetzee be excused from the interview, as I felt that whatever information I provided he would possibly pass it on to other NWU officials as he as an official of the NWU himself.

I insist that the so-called "independent investigation" has been compromised throughout by having an official of the NWU sitting in interviews being conducted by the two senior counsels. How then can we identify such an investigation as being

independent if there is censored interference by an official of the NWU. The environment of the whole interview was very hostile to me as I felt that there was nothing independent about the whole investigation by virtue of the fact that an official of the NWU was present. I'd like to believe that there is a possibility that other people who were interviewed might have felt the hostility of the environment should Mr. Coetzee or any other NWU official had been present during their interviews.

Despite the hostility that I received from the presence of an official of the NWU, indication must be made to the intimidating attitude I received from Adv. De Koning. I began to sense some negative attitude from the latter, whereupon I made mention of an incident that I observed in one of the town-hostels (De Villagers). I found Adv. De Koning to very aggressive and this perturbed me.

During the first-semester of the year 2011, not sure of the specific date, I observed as I went up the stairs next to the aforementioned hostel, what I believed to be the branding of first-year students with an iron brander. I was questioned by Adv. Pikoli as to what I did when I observed such practice, whereupon, I indicated that I did not report the matter. Adv. De Koning in this regard, also exercised a substantial share of interrogating me in this regard. I assume that we dwelled on this topic for just over 30min. Adv. De Koning in this regard, sort of "cross-examined" me I believe. His line of questioning I experienced was one that a professional legal practitioner would cross-examine a witness of the opposition. Adv. De Koning in this regard dwelled upon the "criminality" of not reporting a possible criminal offence that a passer-by would observe. He went on about questioning me as to whether I had done my criminal law and criminal procedure law prior to the observation of the branding, I thereby agreed. I experienced this as harassment.

It felt as if I had incriminated myself in providing such information, until I realised that I was sceptical as to whether it was a prank being played on the first years or not. I further on insist that I committed no offence in not reporting this matter as I was not sure of my facts. I would also like to indicate that I am an individual who wears spectacles and that on that particular day I was not wearing them.

In justifying my omission to not reporting such incident, you are probably wondering why. However, I just want to justify why I provided above that I felt as if I was being

cross-examined by the adv. De Koning. Should I have not being informed that he was "Independent" I would swear that I was being investigated.

Mention has to be made that, if this is the approach the adv. De Koning conducted other interviews then there is a serious challenge. I expected to be interviewed not to be interrogated and "cross-examined".

I believe that the period of time spent on the "branding" issue could have been utilised to deal substantially on the issue at hand being the death of Thabang Mokhoang. I further on fail to understand the significance of having dwelled for so long on the branding issue taking into cognisance the fact that I "might" have my facts wrong. I believe as adv. De Koning conducted his questions that I might possibly be guilty of a criminal offence. Is that how an interview is conducted by an independent investigator? In conclusion to this matter, I would like to avail myself to give supporting evidence should it appear that a complaint arises regarding the issue of the branding. I think then, should such a complaint be brought forward, then we could safely conclude that the branding did in fact take place.

Apart from all, I refer back to the issue of the so-called "Independence" of this investigation. I hereby, provide that there is a serious irregularity in the "Independent Investigation". I would furthermore, like to inform council that a copy hereof, will be forwarded to the office of the Minister of Higher Education and Training. Government must be informed as to how the "independent commissions" conduct their investigations. This will hopefully prevent a similar situation of having an NWU official sitting in interviews that will be conducted by the "Independent commission" that will be appointed by the office of the Minister of higher education and training.

The independence of the investigation has been compromised and the purpose thereof defeated. By virtue of the fact that the "independent investigators" allowed a Mr Coetzee an official employed by the NWU to sit in the interviews conducted, defeated the whole purpose of the investigation. It is understood that that the latter was appointed to act as a liaison between the investigators and the individuals interviewed. However, his participation or rather presence in the interviews conducted is questionable.

I believe the role played by Mr Coetzee in the interviews was to control the recoding of the interview. I believe that in all fairness and taking into cognisance the legal profession that we (myself, Mr. Coetzee, adv. Pikoli and adv. De Koning) pursue, we all ought to have realised that the "independence" of the investigation was being compromised. In fact, even a lay person would immediately understand the whole concept of independence and that to have an official of the NWU sitting in such processes defeats the purpose. I fail to understand the failure on the NWU council and the investigators to hire an "independent" electronic communications recorder to execute the role that Mr Coetzee an official of the NWU played in the whole investigation.

The context of this letter has been recorded, for any uncertainties be advised get a copy of the recordings. I hereby, also protect myself against any omissions, this letter is drafted from pure memory of the whole interview. I hereby, request a copy of the recording of my interview for purposes of clarity on certain issues such as the failure by the investigators in identifying themselves accordingly and their failure to explain to me the terms of reference of the whole interview.

We hereby, request the following:

1. That Council reconsider the management of the investigation;
2. Dissolve the independent investigation;
3. Appoint a new independent investigation;
4. Disregard the finding of the current commission for the above reasons;
5. Should the council deem it necessary, we are willing to make oral submissions before council, regarding the contents of this letter.

Kind regards

**BM Mogorosi**  
**(SASCO Chairperson)**