

# Management shows contempt for academic freedom at UKZN

Craig McKune

**A**CADEMIC FREEDOM IN SOUTH AFRICA IS in the spotlight after the University of KwaZulu-Natal (UKZN) brought charges in August against scientists Nithaya Chetty and John van den Berg for 'not exercising due care in communicating with the media' and bringing the university into disrepute. Van den Berg, professor of mathematics, has signed a settlement agreement terminating disciplinary hearings against him, while Chetty, an associate professor and president of the SA Institute of Physics, elected to resign on the advice of his attorney and union representative.

Both had been embroiled in conflict with vice-chancellor Malegapuru Makgoba since being nominated by the Science and Agriculture faculty in 2007 to draft a document (in response to an invitation from the university) to comment on academic freedom at the institution. 'Academics are being harassed and threatened with litigation on a continual basis,' the document charged. 'The result is a Soviet gulag mentality where no comments are made, nothing new is ventured and no new ideas are proffered in case they are considered to be subversive or warranting punishment.'

The document was endorsed by the faculty, and was submitted to the university's senate by its dean, John Cooke. The conflict started when Makgoba declined to table it at senate at its October 2007 meeting, insisting that it be referred first to a subcommittee of senate. But when the meeting took place, senate adopted a motion with a clear instruction that it be tabled there first.

When Makgoba ignored this and failed to have it tabled at the next senate meeting in November, senate adopted a motion reiterating its demand. When this was ignored once again, and it failed to appear on the agenda for the first senate meeting of 2008, van den Berg chose to alert the wider university community, and sent out a letter titled 'Crisis in Senate' on the internal discussion forum [change@UKZN](mailto:change@UKZN)

After this meeting van den Berg informed Makgoba that he had been approached by a reporter from the *Mail & Guardian* seeking to write a story on the current impasse. Makgoba expressed no

opinion on the appropriateness of communication with this reporter. The newspaper then approached van den Berg, Chetty and several other members of the university community for comment and this was provided.

As a result Makgoba had the matter investigated by Sibusiso Bengu, former minister of education and a member of the UKZN Council. Bengu's report, that was shown to contain a number of substantive factual inaccuracies, completely exonerated Makgoba of any wrongdoing, but recommended disciplinary action against van den Berg. The report made no recommendation regarding Chetty, who had resigned from Senate several months earlier. Once again in contravention of a senate recommendation, charges against the two were then served.

Makgoba has commented on the original faculty submission as being 'self-serving' and a document that 'contributes nothing to the debate'. But members of the faculty are 'entirely behind (Nithaya) Chetty and van den Berg', according to one, who did not wish to be named for fear of recrimination. When the faculty organised a meeting in their support, it was cancelled on instruction from Paul Finden, head of industrial relations at UKZN, an hour before it was due to start.

In a statement issued on December 19,

university council chair Mac Mia maintained that academic freedom was not the issue at stake, but rather 'a breach of university rules and procedures'. 'There has been no, nor shall there be, any 'denial' or 'suppression' of academic freedom and freedom of expression at UKZN,' he wrote. 'Disregard for organisational rules and regulations results in anarchy as does freedom of expression without responsibility and accountability.' That the issue is about academic freedom, he charged, is a view held by 'a small minority of dissenting voices who do not wish to see the bigger picture of transformation and change'.

But this runs contrary to the view expressed in a letter written by University of Cape Town former deputy vice-chancellor Martin Hall, who chaired last year's institutional audit of UKZN, to Hugh Africa, then chairman of the Higher Education Quality Committee (a division of the Council on Higher Education, an independent statutory body which advises the education minister on higher education policy issues). Dated November 18, it was leaked to the Durban newspaper *The Mercury*, where it was published on January 23. The newspaper confirmed with Africa both that he had received the letter and that he had contacted UKZN about its contents.

The letter reads: 'Interviews with cross-sections of staff and students as well as with external stakeholders suggest that there is what has been described as a *culture of hostility*. Dealing with the practices and perceptions that have given origin to this characterisation constitutes a major and critical challenge that the panel urges the institution to address as a 'matter of urgency'. Further, 'The panel has found



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no evidence of interference with the teaching and learning and research activities of staff at UKZN. But the panel has found evidence of stifled debate about institutional matters.'

Jane Duncan of the Freedom of Expression Institute believes Nithaya Chetty and van den Berg's cases, and others of the university acting against its critics, reflect a trend in South African universities. 'These public institutions are being run increasingly along managerial lines more akin to the private sector,' she said. Her view is that universities are seeing themselves increasingly as brands, fighting to attract private-sector support in the face of dwindling state funding, deepening the impact of public criticism and hardening their response.

Van den Berg and Nithaya Chetty are not the first staff members at UKZN to be in hot water for speaking to the media. In 2007, sociology lecturer and acting president of the UKZN Combined Staff Association Fazel Khan was dismissed over comments he made to the media; and sociology professor and association chairman Evan Mantzaris was suspended. Of four charges levelled at Mantzaris, two related to freedom of expression.

Also in 2007, UKZN's then executive director for public affairs and corporate communications, Dasarath Chetty, sued Rhodes University sociology professor Jimi Adesina for defamation. In an open letter, Adesina had accused Dasarath Chetty of attempting to gag academics, after he had requested that all university staff refer media queries regarding impending industrial action to his office. The defamation charges were dismissed, with costs, by a Grahamstown court.

Although acknowledging that academic freedom is difficult to define, van den Berg believes the difference between this and other constitutionally protected freedoms, such as freedom of expression, is that 'academics have a *duty* to challenge orthodoxy in all its forms, to guard against

stultification, speak truth to power and so on. This duty applies equally to *all* scholars whether they be political scientists, historians, and, as in my case, mathematicians'.

Nithaya Chetty uses South Africa's nuclear energy programme as an example of why academic freedom is important to him: he feels that profound decisions, such as those made about nuclear power, should not be left to government agencies, technocrats and bureaucrats. 'Who does the public rely on for the truth, or the best version of the truth? Certainly not the politicians—especially in SA—who routinely make decisions that are expedient. Society needs individuals who are unstinting in pursuing the truth, and this is a part of our obligation as academics—to be critical public intellectuals.'

Nithaya Chetty agrees with Duncan that the greatest threat to academic freedom comes from the 'growing managerialism and corporatisation' of universities. 'Senates have lost the status of being the authority of the academic voice within the university,' he said. 'The senate has been relegated to yet another bureaucratic committee in a diffuse structure.'

Van den Berg believes that academics should be free to comment on institutional matters which influence the quality of their work, 'even if such opinions cause embarrassment to their employer—the constraint being that the opinions can withstand reasoned scrutiny'. Because academics 'produce knowledge for a profession', they need maximum freedom of expression, said Duncan. Without this, 'the sort of creative exploration that is necessary for the production of knowledge would become impossible'.

Duncan argues further that UKZN's 'authoritarian' management is the result of an attempt 'to steer the university towards transformative objectives'. Chetty agrees, referring to the merger four years ago between the former universities of Natal and Durban-Westville: 'The expe-

ditioned conditions under which the merger was predicated meant that the founding principles of the new institution were based on an autocratic management style.'

This top-down approach 'collides with the notion of academic self-management', said Duncan, who believes that 'corporate managerialism is now hitting scientists, and reducing the space for them to engage in public debate'. 'But the point,' she said, 'is that transformation and academic freedom need not be sworn enemies.'

Nithaya Chetty, who has now moved to an associate professorship at the University of Pretoria, feels that the 'open dissenting space' that his and van den Berg's case created is valuable and needs to be nurtured through 'discourse on the roles and responsibilities of academics in a free and democratic society'. Or, as stated in the ill-fated original submission to their faculty: 'Academics need to work much harder at communicating to the public why academic freedom is essential for building an excellent university. This cannot be taken for granted anymore.'

In response to the furore, UKZN has announced an investigation of suppression of academic freedom within its structures. A seven-person committee, consisting of four external council members and three members of the senate, should have a report out by April, according to Mia. The probe would investigate 'the extent to which its structures fostered or inhibited academic freedom and freedom of expression'. Not only are the senate members in a minority, but they were nominated by council and not elected by the senate itself.

Makgoba's five-year term as vice-chancellor of the university expires at the end of 2009. Repeated attempts to reach either him or Dasarath Chetty for comment were unsuccessful.

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