

13th March 2020

The Ombud's Response to the Vice-Chancellor's Email sent to the Chair of Council on 2 March 2020

1. *The process: I am shocked that the Ombud has submitted a report, that implicates the VC, to council and the exec without giving the VC and opportunity to respond to the allegations made in the report.*
 - a. Since the office of the Ombud is accountable to Council with direct reporting to the Chair of Council, the report is sent to the office of the Chair of Council. Thereafter the Chair of Council sends the report to the Vice-Chancellor. This is a process that was standardised from 2012. The 2019 report followed the same route. The rationale for this approach is to give the Vice-Chancellor an opportunity to respond to the report. When the report was sent to the Vice-Chancellor on the 27th February 2020, the Deputy Chair of Council wrote to the Vice-Chancellor, "As previously, we are sending this to you in advance so that the Executive can – if it so wishes – prepare a response." The Vice-Chancellor's allegation that the report was sent directly to the Executive is misleading and untrue. The Ombud's Office sent the report to the UCT Council. Thereafter the UCT Council sent the report to the Vice-Chancellor.
 - b. As a part of upward reporting, this report and the previous reports have raised concerns about particular offices and/or persons within the university community. As a part of the office of the Ombud's job specification, the Ombud is expected to "provide early warning of new areas of organisational concern, upward feedback, critical analysis of systemic need for improvement, and make systems change recommendations."
2. *Confidentiality: I am concerned that a report wherein I am explicitly mentioned is circulated without giving me the right to respond.*
 - a. As for being explicitly mentioned, please see above.
 - b. And pertaining to confidentiality and the linked right to respond first, as far as I know, the Vice-Chancellor is the only person who received the report from UCT Council after the Ombud's Office had sent the report to UCT Council. Furthermore, the confidentiality clause primarily safeguards communication with visitors.
3. *It is true that I have disagreed with the Ombud and my disagreements with her had nothing to do with my respect or lack thereof the office.*
 - a. I am not sure how the Vice-Chancellor understands respect, but my view is that when you say to a person, "I don't trust you.", and, "I don't trust your office.", that amounts to an utter lack of respect for my person and my office, hence not wanting to support my office or work with me.
4. *We, however have also had amicable meetings and so I am surprised that she chose to raise issues in this manner, which in my view contradicts the role of her office.*

- a. The Vice-Chancellor may not have noticed that the report covers the period from 1 July 2018 to 30 June 2019, thus recent meetings do not affect the report.
 - b. At this stage, it is premature for the Vice-Chancellor to make assertions about my office, as I am of the view that she is yet to understand its mandate.
5. *As I understand an Ombud is a person designated as a neutral or impartial dispute resolution practitioner, whose major function in this capacity is to provide confidential and informal assistance as a counsellor, shuttle diplomat, mediator, fact-finder and agent for orderly systems change.*
 - a. I agree with the definition of the role of the Ombud. However, what the Vice-Chancellor may be missing is that additionally and as per my job specification, "An Ombud should not be risk-averse and should understand that this position may, on occasion, challenge even the highest levels of the administration in an effort to foster fair and just practices." Moreover, I have exercised the items listed in the Vice-Chancellor's definition of my role with her, but to no avail, instead this became a meeting she later denied having happened. Hence the entire discussion and its spirit were ineffective.
6. *Given the tone of the report and the manner in which it is submitted, I have serious questions about the motives on the Ombud.*
 - a. The tone and manner of submission are addressed above.
 - b. As for the motives, as an independent office, I have no reason to be personally invested, while I am convinced that if the Office of the Ombud at UCT is fighting for its legitimacy, the university Council as the employer ought to know. Furthermore, as an IOA (ombudsassociation.org) certified ombudsman practitioner with a portfolio to oversee and support the Africa region cluster, I am entrusted to safeguard and embody their standards of practice and code of ethics.
7. *I request that the Ombud retract, with an apology, the report she submitted so that proper process can be followed and confidentiality be ensured.*
 - a. The request which the Vice-Chancellor has put to Council is unreasonable. And considering that her email was "sent on the go", she may not have thought this request through in depth.
 - b. As for confidentiality, see above.