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SOUTH AFRICA

## Comsa supports 'banned' Ashwin Desai

January 10, 2006

By Irene Kuppan

One of the largest unions at the University of KwaZulu-Natal (UKZN) has come out in support of "banned" Durban academic Ashwin Desai.

In a statement released yesterday, the Combined Staff Association (Comsa) expressed concern over "the concerted effort of Vice-Chancellor Prof Malegapuru Makgoba to exclude Dr Ashwin Desai from the life of the university".

However, the university hit back at Desai saying that he was "never banned from employment at UKZN" in the first place.

The controversy began late last year when Desai, who had served as an honorary research fellow at UKZN's Centre for Civil Society since 2003 - after the merger of the universities of Natal and Durban-Westville, resigned and then applied for a major research contract.

Desai had applied to conduct research on race and sports transformation but his application was rejected and he was told that he had been banned.

The former lecturer and union leader at the then University of Durban-Westville (UDW) had faced a disciplinary inquiry, following protests that he had been involved in at the university in 1996, when Prof Mapule Ramashala was vice-chancellor.

However, Desai and UDW reached an agreement before the inquiry was completed.

According to Comsa's spokesman, Prof Evan Mantzaris, the agreement was that "Desai would agree to resign and was required to bind himself not to enter the UDW campus without approval of its management".

Desai was welcomed back to the UDW campus when Prof Saths Cooper became the vice-chancellor in 2003, a decision which Comsa says was widely accepted by the UDW council at the time.

"Prof Cooper's decision was well-known to the UDW council who met several times after it was taken and who neither questioned nor repudiated it. In legal terms, through their conduct, they consented and/or ratified Prof Cooper's decision," said Mantzaris. However, Desai was told that, according to records, Ramashala's 1996 ban still stood and this superseded Cooper's decision.

Comsa criticised Makgoba, saying that he knew all along that Desai was once again involved in university activities.

"For several months he (Makgoba) reigned, knowing full well of Dr Desai's presence on campus. In this context, hearing that Dr Desai has applied for an externally funded position at the University, Prof Makgoba decided to step in," said Mantzaris.

UKZN spokesman, Prof Dasrath Chetty, said that the terms of the agreement between Desai and UDW were confidential. "While we cannot reveal the terms of the settlement agreement, it is important to emphasise that Dr Desai has never been banned from employment at UKZN.



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To suggest that Prof Makgoba banned Dr Desai from working at the university is incorrect," he said.



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Chetty added that, according to the settlement, the UKZN council had to be involved if Desai planned to apply for employment at the university.



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"If, or when, he makes the appropriate application to the UKZN Council, it will be fairly and properly considered having regard to all relevant circumstances.

"Should Dr Desai consent to waiving the confidentiality clause of his settlement agreement, the university has no objection to making its terms public as this will openly confirm the precise relationship between Dr Desai and the university," he said.

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