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SOUTH AFRICA

University says 1996 ban was never lifted

Ashwin Desai and UKZN at loggerheads over 'ban'

December 20, 2005

By Carvin Goldstone & Zukile Majova

Durban social commentator Ashwin Desai's future at the University of KwaZulu-Natal appears to be in question after he was denied the opportunity to work as an honorary research fellow last week.

He was informed that his re-application to work had been denied because, according to the university's records, he was banned. Desai said he had served as an honorary research fellow at UKZN's Centre for Civil Society since 2003 and had also served as an informal supervisor to masters and doctoral students.

Last month he resigned from being an honorary research fellow and then applied for a major research contract on race and sports transformation at the Centre for Civil Society, but his application was rejected and he was informed he had been banned. He was then nominated by the Centre for Civil Society to work once again as an honorary research fellow, but the university rejected him. Desai was first banned in 1996 by the then vice-chancellor of the University of Durban Westville, Prof Mapule Ramashala.

Desai, staff members and students had been involved in protest action and a boycott against the university management. An inquiry was established by the then provincial minister of education, S'bu Bhengu, who appointed the Gautshi Commission.

Agreement

Desai, who was facing charges, subsequently made an out-of-court agreement with Ramashala to resign and be banned. The agreement prohibited him from returning to the University of Durban Westville without the permission of the vice-chancellor. He later worked at other institutions, including the former Natal Technikon, and in 2003 became an honorary researcher at the University of Natal, Durban. In 2003 Ramashala was replaced as vice-chancellor by Prof Saths Cooper, who reinstated Desai at the university.

After the merger of the University of Durban Westville and the University of Natal in 2003, Desai continued working as an honorary research fellow for the Centre for Civil Society. Last month, he applied for the research contract, for which he claims he was the only qualified applicant. He said his application had been rejected by the office of Vice-Chancellor Malegapuru Makgoba because, according to records, Ramashala's 1996 University of Durban Westville ban still stood and this superseded Cooper's decision to reinstate Desai.

However, Desai said his agreement had been a voluntary ban. The agreement had not been made with the university council, but with Ramashala. He said that during his dispute with the university he had been made an offer by Ramashala to clear all charges on condition that he resigned. Makgoba denies that he banned Desai. "I have never banned Dr Desai from the university. It is just that the university records reflect that the ban was never lifted." Makgoba said the ban had not been placed by Ramashala, but by the university council.

"Prof Cooper had no right to lift the ban that was placed by the council on recommendations of a government inquiry. What Cooper did was to announce to the media that he was lifting the ban, but he did not proceed to take the matter to council."



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Constraints

Makgoba said the lifting of the ban could not be done without the authorisation of the council because of legal constraints. "Dr Desai now uses half-truths to champion his cause, yet he does not want to make public the legal document that banned him in the first place," he said. Cooper said that during the University of Durban Westville's last year before the merger he had taken steps to reconcile whoever had been alienated from the institution. This had included Desai.

Because the university had been closing and would become a merged entity, he had not wanted narrowness or constraint placed on any intellectual that might hamper the university. The university council had never challenged his decision to lift the ban on Desai and "anybody who wants to now use procedures to reinstate the ban is acting illegitimately".

However, Makgoba claimed to have invited Desai 18 months ago to write a motivation to the university council apologising for the past, so that the ban could be lifted and he could be readmitted to the university. "I have nothing to gain by keeping an academic of Ashwin's calibre out of the university," said Makgoba.

"All that happened was that he wanted to apply for a position on grant money and I said the legal situation had not changed. We have to deal with the legalities first and we have to respect the binding document that he signed. Why would I ban him? The research money is not even coming out of the university's budget."

But Desai claimed Makgoba had never instructed him to write to the council, and said he had never received a letter from the council telling him what his position was at the university following Cooper's decision.

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