

OFFICE OF THE GROUP OMBUD

ADJUDICATION PANEL RULING

UWC VS CAPE ARGUS FINAL RULING

Complaint	
Independent Media Publication	The Cape Argus
Journalist/s	Sisonke Mlamla
Photographer	N/A
Complaint lodged by	Gasant Abarder on behalf of the University of the Western Cape (UWC)
Date complaint lodged	29 March, 2021
Type of complaint	Misleading, factually incorrect, unbalanced reporting in the form of failure to fully use the quotes provided by the complainant.
Ruling	
Date Ruling delivered	14 April 2021

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Applicable clauses of Independent Media Press Code	Clause 2: Any publication will not publish inaccurate, misleading, or distorted information; Clause 3: the right to a full and adequate right of reply.
Related complaints considered	N/A
Sanction/ Remedy	An apology and the full right to comment to the university or a correction
Is this report notable?	Yes
Summary of notability	Factually incorrect and unbalanced reporting

1. Background

- 1.1 In the edition of 29 March 2021, the Cape Argus ran a front-page lead story based on a statement issued by the Minister of Higher Education, Science and Technology, Dr Blade Nzimande, regarding vandalism on university campuses and at post-school institutions across the country since last year, mainly committed by protesting students.
- 1.2 The statement lists the cost of the vandalism at a number of institutions amounting to millions of rand. They included the Cape Peninsula University of Technology where damage to fire extinguishers and hoses amounted to a cost of R250 000 as well as the setting alight of pre-fab classrooms at a cost of R2.6-million; the Central University of Technology where vandalization repair cost amounted to R1.4-million; the University of Johannesburg reported seven

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cases amounting to R202 826; the University of KwaZulu Natal reported damage to property at a cost of R27.3-million and the University of Fort reported damage caused by vandals at about R468 000. The cost of vandalism at University of the Western Cape (“UWC”) amounted to R166 000.

- 1.3 The statement tallied the cost of vandalism at the institutions which have reported so far at R32-million with several institutions still to report.
- 1.4 In the fourth paragraph of the story (Abarder refers erroneously to paragraph three) it is stated that among the most vandalised institutions “were the Cape Peninsula University of Technology (CPUT) and the University of the Western Cape (UWC)”.
- 1.5 The reporter sought comment from Abarder, the spokesperson for the SA students Congress, Luvuyo Barnes, the deputy president of the students’ representative council at CPUT, Sihle Ngxabi, CPUT spokesperson, Lauren Kansley, and the Chairperson of Parliament’s select committee on education, technology, sports, arts and culture, Elleck Nchabeleng, who condemned all forms of vandalism on university campuses.
- 1.6 Abarder was quoted in a single paragraph as saying the amount for damages calculated for UWC dated to 2020.
- 1.7 Kansley, on behalf of the CPUT was quoted extensively (relative to the length of the article) as saying, among other things, that the institution’s management understood the responsibility of protecting R10-billion in assets and steps were being taken with security upgrades.

- 1.8 The statement concluded with the Minister calling on law enforcement to arrest the perpetrators and university authorities to tighten security to protect property and “life and limb”.

2. The Complaint

- 2.1. Abarder, the spokesperson for the University of the Western Cape, said in his submission that he had emailed the editor of the Cape Argus, Aziz Hartley, about his unhappiness with the story and requested an apology and correction and claimed that Hartley’s response was “puzzling”.
- 2.2. He said he had called Hartley to “clarify” issues, but it had proved “unhelpful”.
- 2.3. Abarder said the thrust of his complaint was that the story was “grossly misleading, inaccurate and unbalanced and unfairly casts the University of the Western Cape in a very bad light”.
- 2.4. He said the facts as contained in Nzimande’s statement showed that universities across the country had suffered damages amounting to R32-million arising from vandalism.
- 2.5. He said his complaint was based on a claim in the story that UWC was among the worst vandalised universities while it had only suffered damages amounting to R166 000. There were universities that had suffered “much worse vandalism”.
- 2.6. He stated that the premise of calling UWC among the worst vandalised was “untrue, inaccurate and misleading”.

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- 2.7. He stated that the story had not mentioned UKZN which had suffered vandalism amounting to R27-million. He said this made the story unbalanced as it (UKZN) had suffered the most vandalism.
- 2.8. The focus, he continued to state, appeared to be on UWC. In addition, the quotes he had provided the reporter had not been used in the story making it a “very one-sided account”. He was quoted only in one paragraph as saying the amount of R166 000 had been for damages incurred in 2020.
- 2.9. Abarder said when he asked Hartley to provide him with the contact details of Independent’s Ombud Office he was told to “buy a copy of the Cape Argus and have a look at the leader page”.
- 2.10. Abarder contended that editors or any employees of newspapers were obliged to provide readers or stakeholders with “such detail” if they feel they had been unfairly treated “so that they may seek recourse”.
- 2.11. Abarder provided the email exchange between himself and Hartley and links and references for Hartley to engage “but he didn’t seem too interested apart from insisting that the front-page story, carried on IOL as well, was correct”.

3. Deliberations by Panel

3.1 M Williams

- 3.1.1 Abarder and Hartley concurred that the nub of the complaint revolved around the fourth paragraph of the story which stated that UWC was among the worst vandalised institutions. Hartley said the fourth paragraph (apart from Abarder’s

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comment later in the story) was the only reference to UWC “in a 550-word story”.

3.1.2 It is so, as Hartley averred, that the reporter stuck to the facts and figures contained in the Minister’s statement, but the discerning reader would find his interpretation of them to be inaccurate. I tended to agree with Abarder that the labelling of UWC as the worst affected by vandalism to be unbalanced and unfair to the university.

3.1.3 In terms of accuracy, to classify UWC as the worst affected among the institutions listed was a misrepresentation of the figures as contained in the Minister’s statement. In fact, it would have been more accurate to state that UWC was among the four institutions (which included Rhodes, Venda and Sefako Makgatho) least affected by vandalism in terms of the cost of damages incurred.

3.1.4 In context, the R166 000 was a mere two percent of the overall cost mentioned by the Minister in his statement. This percentage would drop further when the damages reports were submitted by institutions not yet included in the Minister’s list. I therefore concluded that the story with reference to UWC was inaccurate and in contravention of clause 2.1. of Independent Media’s Press Code.

3.1.5. Abarder makes a secondary complaint in clause 2.8. above that his comment provided to the reporter was not used (in full) which had made the story “one-sided”.

3.1.6. It would be regrettable if the reason for Abarder’s comment not being used more fully was merely an oversight. If it were deliberate, it could be considered churlish and in contravention of the spirit of *audi alteram partem*, especially in

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relation to the generous space given to the comment of the spokesperson of the CPUT.

3.1.7. I therefore concluded that there was a basis to Abarder's secondary complaint that the non-use of the quotes he had given to the reporter made the story one-sided and rendered it in breach of clause 3 Independent Media's Press Code in a way that infringes on UWC's right of reply, resulting in unbalanced reporting.

3.1.8 It is my recommendation that the Ombud Office instructs the editor of the Cape Argus to run a front-page apology to the University of the Western Cape.

3.1.9 The comment provided by the university's spokesperson, Mr Gasant Abarder, should have been more fully used and extend an apology to him as well.

3.1.10 The above apology be run on the IOL website as well.

3.2 Y Devan

3.2.1 Independent Media's Press Code states the group's newspapers "will not publish inaccurate, misleading or distorted information". By extension, this also means that the media must present news in context and in a balanced manner, without any intentional or negligent departure from the facts whether by distortion, exaggeration or misrepresentation, material omissions, or summarization.

3.2.2 The Minister's statement makes no mention of UWC being "among the most vandalised institutions". Deep in the Minister's statement, reference is made to the fact that UWC "reported two cases of vandalism and theft costing the

university R166 007.50 to repair”. This is the only reference to UWC in the Minister’s statement on which the Cape Argus story was based.

3.2.3 The Minister’s statement affirms that the UKZN “had several cases of damage to property and burning of buildings due to student protests in 2020” and the value for repairs is R27 388 914.25.

3.2.4 Based on a reading of the Minister’s statement and the offending article, it is clear the reference to UWC in the article is inaccurate and misleading and a gross violation of the Press Code. I would go as far as stating that the facts were deliberately distorted to create news interest in the Western Cape by stating UWC was “among the most vandalised institutions” following student unrest.

3.2.5 Credence to the above contention is borne out by the fact that no mention was made in the article to the fact that UKZN had suffered R27-million worth of vandalism. The question begs whether this fact was intentionally omitted so that the “only R166 000 worth of damages” suffered by UWC would not appear paltry in comparison and UWC’s damages would not have been a non-story.

3.2.6 In summary, the Cape Argus had failed to report circumstances around UWC (as contained in the Minister’s statement) truthfully, accurately, and fairly. There would also appear to have been intentional or negligent departure from the facts, by distortion and material omissions, if only to create a front-page sensational lead story.

3.2.7 The sanction recommended for breaching the Press Code by publishing inaccurate information is to print an apology and correction promptly and prominently on every platform where the original content was published.

3.2.8 I may add that I found it strange that two senior journalists - the current editor of the Cape Argus and the complainant who is former editor of the Cape Times - could not resolve this matter swiftly, without reverting to the Independent Media Group Ombud for relief. The complainant's letter to the editor of the Cape Argus clearly spells out the dissatisfaction with the article.

3.3 V Boje

3.3.1 The Cape Argus is a local newspaper with a strong focus on the City of Cape Town and the Western Cape. The sentence about UWC further on reads: "He (the minister) said UWC reported two cases of vandalism and theft that cost the university R166 007 to repair". This figure is not contested.

3.3.2 The average reader should be able to deduce that R166 007 of a total of R32.79m, or even compared to the figures reported for CPUT does put the situation at UWC in context.

3.3.3 The complainant suggests comparisons should have been made with the University of KwaZulu Natal (UKZN). Such a comparison would have provided better context to the story as R27 million damage at UKZN accounted for the bulk of all the damage at the universities mentioned. However, the report can still stand.

3.3.4 On the question of whether UWC - where damage was estimated to be R166 007 - can be considered "**among the most vandalized**" is a moot point. In the report UWC is lumped together with CPUT, whose cost detailed in the following paragraphs was considerably more than that of UWC. While UWC was among the universities vandalized, it was not among the **most** vandalized.

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- 3.3.5 The report offers brief comments from the two institutions concerned and from the SA Students Congress. It is not clear what additional information was provided to the reporter by UWC and if this would have made a material difference to the report.
- 3.3.6 A further complaint is that the story is unfair to UWC which is working hard “to create a university of excellence”. The report refers to student protests which affected several universities in 2020. It does not criticize UWC specifically nor does it cast the university’s efforts in a negative light.
- 3.3.7 Regarding the claims around the editor’s response to the complainant or vice versa, this is most unfortunate but not a matter for the Ombud. Hopefully, this can be resolved with the intervention of the Editor-in-chief.
- 3.3.8 As a remedy to clear up any possible misunderstanding, I recommend that IOL change the phrase “among the **most** vandalized institutions” to reflect that UWC was “among the vandalized institutions”. A footnote can explain the change.
- 3.3.9 The editor of the Cape Argus should also offer the Vice-Chancellor of UWC the opportunity to respond and outline steps being taken to ensure the work of UWC continues uninterrupted in 2021.

4 Final Ruling

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- 4.2 On March 29, 2021, the Cape Argus ran a front-page lead story based on a statement issued by the Minister of Higher Education, Science and Technology, Dr Blade Nzimande, regarding vandalism on university campuses and at post-school institutions across the country since last year, mainly committed by protesting students.
- 4.3 Gasant Abarder, the spokesperson for the University of the Western Cape, described the story as “grossly misleading, inaccurate and unbalanced and unfairly casts the University of the Western Cape in a very bad light”.
- 4.4 The university took exception to the fact that it was cited as among the worst vandalized institutions.
- 4.5 While the article was based on the Minister's statement, the labelling of the UWC as the worst affected by vandalism is unbalanced and unfair to the university.
- 4.6 The story is in contravention on of clause 2.1. of Independent Media’s Press Code.
- 4.7 Abarder also provided a full comment to the reporter, which was not used in its entirety. This is in breach of clause 3 Independent Media’s Press Code.
- 4.8 This is unpacked very well by adjudicators Moegsien Williams and Yogin Devan.
- 4.9 Based on the above, the newspaper should run a full apology to the university and carry its comments in a follow up article.

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5 Panel Members

Moegsien Williams, Val Boje, Yogin Devan

6 Notes

It must be noted and emphasized that the duty to inform complainants of the contact details of the Office of the Group Ombud, is an important one that lies with the editor and the publication. At no point will it be permitted that a complainant requests information regarding the Ombud's Office, and then they are not correctly directed. Future conducted that amounts to this, will result in sanctions against any editor or journalist who does not abide to this duty. See paragraph 2.9 above for an example of what conduct will not be tolerated.