



HIGHER EDUCATION TRANSFORMATION NETWORK

**Submission to Parliamentary Portfolio Committee on Higher
Education on Higher Education Transformation**

**Higher Education Amendment Bill 36 of 2015 & Amendments to
the Higher Education Act of 1997**

Submission from: Higher Education Transformation Network (HETN)

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1. ABOUT THE HETN

The Higher Education Transformation Network (HETN) (NPO Reg No 116-851) is a national independent network of alumni and graduates from various higher education and further educational institutions across South Africa established on the 11th September 2011.

We are committed to the process of transformation of education to ensure an education system that is more accessible by persistently marginalized groups, the poor in particular, and the elimination of socio-economic disparities wrought through education. The objectives of the HETN are: -

- *To lobby & provide policy advocacy for the transformation of higher education through the promotion of open learning principles in different educational sectors;*
- *Capacity development programme implementation through strategic partnerships;*
- *To promote quality research output & innovative learning methods & programmes for the transformation of higher education through research*
- *To motivate, support and prepare students for the world of work.*
- *To engage and enlist universities, TVET Colleges, SETA's, Host Employers to empower graduates.*
- *To mobilize resources and stakeholders to support a faster absorption of graduates in the economy.*
- *To conduct research and provide vital statistics on graduate empowerment.*
- *To build a reliable graduate database and tailor make graduate empowerment solutions*

It is a major pleasure for us to be invited to submit oral representations to the Parliamentary Portfolio Committee on Higher Education. The Higher Education Transformation Network fully supports the Higher Education Amendment Bill 36 of 2015 aimed at enforcing transformation in the higher education sector. We support the Higher Education Amendment Bill 36 of 2015 due to the following reasons:-

- a) The need to regulate the financial accountability by institutions of higher learning*
- b) The need for compliance with the Public Finance Management Act*
- c) The need for compliance with state transformation policies by the higher education sector*
- d) The need for the attainment of National Development Plan targets.*

e) The need to bring higher education statutes in line with the Constitution of the Republic of South Africa

The Higher Education Transformation Network (HETN) believes that state regulation of the governance of the higher education sector is critical, due to the underlying causes of the current slow pace of implementation of higher education transformation, namely, the current configuration of the statutory Council on Higher Education and its subcommittees which are represented by the same academics and members of Higher Education SA (HESA) / Universities SA who frustrate transformation at institutional level.

Since the establishment of the new political order in 1994, the following milestones have been achieved by Government in relation to the transformation of higher education:-

- Higher education mergers and restructuring that lead to the creation of universities of technology and comprehensive universities as well as (x2) two more recent national higher education institutions in Mpumalanga and the Northern Cape.
- An increase in national higher education student enrolments of over 70%.
- A change in the gender and racial composition of the student body to closer attain related equity.
- The establishment of institutional forums.
- The revision of funding criteria.
- The establishment and recapitalization of the National Student Financial Aid Scheme (NSFAS) and its predecessor TEFSA leading to increased access by the disadvantaged.
- The institution of statutory higher education regulatory structures in the form of the Council on Higher Education (CHE) and its policies, as well as,
- The Higher Education Qualifications Framework (HEQF) to actualize the National Qualifications Framework (NQF) and Recognition of Prior Learning (RPL) at tertiary education level.

The HETN has in the past supported Ministerial interventions in higher education institutions, and believes that such interventions should not only take place in the case of financial mismanagement or loss of statutory Council oversight (as was the case of Tshwane University of Technology (TUT)).

We believe that the Minister of Higher Education has the prerogative to also intervene in instances where transformation is not being implemented or is being improperly implemented.

It is the view of the Higher Education Transformation Network that the very same academics, Vice-Chancellors and their proxies who implement transformation on a piecemeal basis (if at all) through leadership of University Councils and through membership of Universities South Africa (USA) cannot be permitted to self-regulate to ascertain their compliance with legislation and policies governing higher education.

The Higher Education Transformation Network, believes that Universities SA and the Council on Higher Education (CHE) cannot alone fulfill the roles of player and referee within the higher education transformation agenda.

It is in the above-mentioned spirit that the HETN welcomes and fully supports the Higher Education Amendment Bill 36 of 2015 and the amendments to the Higher Education Act 101 of 1997.

2. INTRODUCTION

The Constitution of the Republic of South Africa requires that all citizens have access to education, and equal access to educational institutions. Education and training is vital to the development of society because it is through education and training that men and women can be better prepared for life. (National Youth Commission; 2000).

The Education White Paper 3 (DoE: 1997) explains that the transformation of higher education requires that all existing practices, institutions, and values are viewed anew and rethought in terms of their fitness for the new era.

In terms of the Education White Paper, “fitness” at the center of the transformation agenda is the establishment of a single national coordinated higher education system that is democratic, non-racial and non-sexist that:-

- Promotes equity of access and fair chances of success to all who are seeking to realize their potential through higher education, while eradicating all forms of unfair discrimination and advancing redress for past inequalities.
- Meets national development needs through well-planned and coordinated teaching, learning and research programmes, while also meeting the high-skilled employment needs presented by a growing economy operating in a global environment.
- Supports a democratic ethos and a culture of human rights through education programmes and practices conducive to critical discourse and creative thinking, cultural tolerance, and a common commitment to a humane, non-discriminatory social order.
- Contributes to the advancement of all forms of knowledge and scholarship, and in particular, addresses the diverse problems and demands of the local, national, southern African and African contexts, while upholding rigorous standards of academic quality.

3. LINK BETWEEN EDUCATION & POVERTY ERADICATION

The strategic link between access to higher education, poverty eradication, social mobility, economic competitiveness and social justice, as well as increased labour productivity within the context of a nation’s economy has been the focus of a plethora of empirical studies.

As far back as 1966, Nelson and Phelps (1966: 69 - 75) identified the strategic link between national educational levels, literacy, economic competitiveness, as well as individual income.

According to the same study, “*macro-economic growth and investment levels of nations are complementary with the educational levels of the nation’s workforce corps*” Nelson and Phelps (1966: 69).

The empirical study of Rodrik and the Harvard University Centre for International Development (2006:14), for example, indicates that access to higher education access correlates with better employment outcomes and greater labour market participation. In fact, the findings of this study asserts that “*it takes a completed university degree to mostly escape unemployment in South Africa*”, Rodrik (2006:14).

Within the domain of labour productivity and human resource development Coulombe et al (2004) argue that educated and/or trained skilled workers derive value to employers due to innovativeness, the ability to easily harness new technologies and production methods, greater problem-solving and communication abilities, ability to learn faster and adapt better to changing economic and work circumstances, and are generally more productive.

Without fail, most studies have found that the descendants of uneducated workers tend to be trapped in a cycle of poverty that spans across generations as a result of the educational choices and/or lack of opportunities of the previous generation. (Lloyd-Ellis, 2000: 3)

4. NATIONAL DEVELOPMENT PLAN (NDP) TARGETS

The higher education sector has also been identified by the **National Development Plan (NDP) Vision 2030** as fulfilling a very critical role in eliminating poverty and creating 11 million jobs by 2030.

The NDP acknowledges the range of societal benefits derived from higher education, and states that higher education is more than just an instrument of economic development but is the *“major driver of the information-knowledge management system, linking it with economic development. Education is important for good citizenship and enriching and diversifying life.”* (2011: 274).

In order to attain the above-mentioned, the National Development Plan (2011:268) set a national target for the country to increase the outputs of black and female teachers, students and researchers, and to ensure progress in reversing gender and racial imbalances in the higher education sector with the goal that Africans and women make up 50% of the teaching and research staff of universities.

The NDP Vision 2030 aims to eliminate poverty and create 11 million jobs by 2030. As such, the NDP is clear about the fact that higher education has a key role to play in "writing a new story for South Africa" (2011: 4). It strongly acknowledges the range of societal benefits derived from higher education and states that "higher education is the major driver of the information-knowledge management system, linking it with economic development. However, higher education is much more than a simple instrument of economic development. Education is important for good citizenship and enriching and diversifying life" (2011: 274).

The NDP recognizes that higher education can play a significant role in contributing, in a profound and catalytic sense, to South Africa's development trajectory. The National Development Plan (2011:268) states, for example, that “universities should be welcoming for black and female teachers, students and researchers” to ensure *“significant progress in reversing gender and racial imbalances in the higher education sector to ensure that Africans and women make up 50% of the teaching and research staff of universities”*.

5. THE NEED FOR STRONG STATE REGULATION TO ATTAIN HIGHER EDUCATION TRANSFORMATION

The need for strong state regulation is necessitated by the negligible progress attained in reaching the targets set by the National Development Plan (NDP). This is critical indeed as the country's attainment of its NDP goals compel the higher education sector to transform.

National discourse on the need for higher education transformation is not new. In fact, most institutions of higher learning already have a Transformation Charter in one form or the other.

The North-West University (NWU) Diversity Statement, for example, emphasises the overriding values of *“human dignity, equality, freedom, integrity, tolerance, respect, commitment to excellence, and scholarly engagement”*.

The Wits University Transformation Charter states that *“Transformation is a process of negotiated organisational change that breaks decisively with past discriminatory practices in order to create an environment where the full potential of everyone is realised and where diversity - both social and intellectual - is respected and valued and where it is central to the achievement of the institution's goals.”*

Stellenbosch University, on the other hand, states that *“The focus here is mainly on the demographic profile of our students and staff, and, more specifically, on the colour distinctions (white, black, coloured, Indian) that we inherited from the apartheid era. The so-called “designated groups” whose presence we wish to increase are African blacks, Coloured people, Indian people, women, and people with disabilities. The University could hardly be a positive role player in the building of a new society in South Africa if our demographic profile remains a reflection of our apartheid past”*.

The Transformation Charter of the UKZN *“aspires to be a university, which heals the divisions of our nation's past, bridges racial and cultural divides, and lays the foundations for a university that is united in its diversity”*

Higher Education South Africa, in one of its papers, argues that higher education transformation entails *“de-colonizing de-racialising, de-masculanising and de-gendering South African universities, and engaging with ontological and epistemological issues in all their complexity, including their implications for research, methodology, scholarship, learning and teaching, curriculum and pedagogy”* (HESA, 2014: 7).

According to HESA (2014), higher education transformation presents the challenge of creating institutional cultures that genuinely respect and appreciate difference and diversity – whether class, gender, national, linguistic, religious, sexual orientation, epistemological or methodological in nature – and creating spaces for the flowering of epistemologies, ontologies, theories, methodologies, objects and questions other than those that have long been hegemonic in intellectual and scholarly thought and writing.

Other role players within the higher education sector such as the National Education Health & Allied Workers Union (NEHAWU) states that *“the real measure of equity is not the sheer change in the demographic profile of the student population in a particular institution, but the participation rate of the historically oppressed groups, and in particular the participation rate of women and students from working class and rural communities in our society”* (NEHAWU, 2010: 5 – 6).

Elsewhere, higher education role players, have generally understood transformation to imply the comprehensive, fundamental reconstitution and development of our universities to reflect and promote the vision of a democratic society; entailing the eradication of all forms of unfair discrimination to create a higher education sector that gives full expression to the talents of all South Africans, in particular the marginalised and poor, through the active removal of any institutional, social, material and intellectual barriers that hinder the creation of a more equal, inclusive, and socially just, higher education system.

The most critical pillars of higher education transformation are therefore changes to institutional and sectoral governance, management and leadership, student environment (access, success), staff environment (equity), institutional cultures, teaching and learning, research and knowledge systems, institutional equity, and overall funding of the higher education sector.

As part of the outputs of the Ministerial Oversight Committee on Higher Education Transformation, Govinder, et al (2013: 2) highlight that whenever equity has been raised in the transformation of higher education and policy debates, seemingly innocent arguments about compromising quality and standards have been proffered which most often result in counter-transformative realities. Such arguments include references to risks to quality (development), as within the ranks of the National Commission on Higher Education, for example. Elsewhere, opinions used to curtail transformative progress have cited concerns with the regulation, and the actual transforming of the higher education sector and the pursuit of equity itself as having the potential to jeopardise excellence and standards.

These anti-catalytic views on the matter of equity are mostly shared within the ranks of the past and existing cohorts of functionaries within the Council on Higher Education (CHE) and some members of Universities SA.

Proponents of the above-mentioned school of thought such as Badat, Barends and Wolpe (1994) argue that due to the challenges between equity and development/ quality, it is therefore not worth pursuing the equity route in transformation but to maintain the status quo.

It is almost self-evident therefore that merely because an institution of higher learning has a transformation charter/ policy such existence does not equate with Vice-Chancellors, Chairpersons of Council and members of Universities SA as indeed being committed to the implementation of the same transformation processes.

Singly and collectively the approach/es that foreground arguments about the compromising of excellence/quality and standards do not support the regulation of the transformation of higher education because, according to them, to do so would eliminate or give rise to a decline in managerial or academic quality and standards, and will maintain current corporate momentum.

Such suppositions by *homo academicus*, to cite Bourdieu's terminology, are insulting to blacks and females since it implies that consequential to the appointment of females and blacks in the higher education workplace there would be an inevitable corresponding drop in the quality of organizational or intellectual service delivery.

Several indicators that belie pro-transformation claims, and more specifically gender transformation, in the higher education sector is visible through:-

- Non-Compliance with Employment Equity targets
- Discriminatory Workplace Practices
- Workplace Victimizations
- Poor Career Growth Avenue for Female Staff
- Adverse Organizational Culture reflecting racism and sexism
- Disproportionate / Secretive Remuneration scales
- High Turnover of Black / Female Staff

Against this backdrop, and probably a matter for discussion in more depth elsewhere, there are factors that require significant unpacking and exposure even to expose anti-transformative discrepancies located even within the black/female staff debate. To explain, it has been the findings of many studies that new forms of exclusion and resistance to transformation are often at play when the categories of black and female are selectively interpreted, since Indigenous

South Africans and black South African women are often side-lined for Africans with non-South African origins or non-black (white) women.

5.1 Non-Compliance with Employment Equity targets

The distribution of academics across universities has continued to broadly follow the historical contours of race and ethnicity (DHET, 2010); and in many cases, these patterns have been perpetuated in the recruitment strategies of universities

According to the findings by the Ministerial Committee on Transformation, Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions (2008:19), a common problem encountered in higher education is the lack of understanding on the part of academic and professional staff members of the importance of employment equity.

Findings by the Anti-Racism Network in Higher Education (ARNHE, 2008: 3), states that employment equity planning at most institutions of higher learning has become a compliance exercise to appease government with no focused discussions, leadership and direction in the institution.

According to ARNHE (2008: 3), *“there is a perspective that Employment Equity planning at most institutions of higher learning has become a compliance exercise with no focused discussions, leadership and direction on confronting the manner in which employment equity (particularly with regard to black South Africans) is compromised by the current hierarchy of higher education institutions”*.

It is clear that there are problems in higher education relating to racism, sexism and compliance with Constitutional imperatives by higher education institutions. Although there have been significant efforts and programmes aimed at reversing gender discrimination patterns in higher education, the workforce profile of individual institutions of higher learning, as well as the employment equity plans, clearly depict a worrying trend in terms of actual compliance with the Employment Equity Act of 1999 by institutions of higher learning.

According to the Department of Higher Education and Training (2014), the workforce profile of university staff indicates a majority of females mostly concentrated in the administrative support staff functions whilst males (mostly white males) are concentrated in the upper echelons of the managerial, instructional and research staff.

The table below depicts the workforce profiles of universities in the higher education sector.

DHET Stats: Workforce Profile of University Staff

Staff Category	Female	Male	Total
Instruction and Research Staff	7 853	9 598	17 451
Administrative Staff	15 776	10 517	26 293
Service Staff	1 884	2 712	4 596
Total	25 513	22 827	48 340

Source: (DHET, 2014)

Although white and black males are in minority within the higher education sector, they dominate the management occupational levels in senior and top management roles as well as the professional ranks overwhelmingly. White females still dominate the senior management roles within the sector.

Leathwood and Read (2009) highlight that the continuing absence of women from what are considered 'traditionally masculine professions such as geology, political science, quantitative courses, hard sciences (chemistry and physics), and so forth, in higher education institutions further raises questions about the supposed gender parity within the sector.

Contributory factors to the poor attainment of Employment Equity targets by the higher education sector are manifold. One of the cited contributory factors cited by empirical studies speaks of the perennial restating of Employment Equity Reports, as well as the poor organizational culture at mostly the previously advantaged institutions.

The absence of a conducive organizational culture in higher educational institutions, perpetuated by a culture of sexism and racism, is also cited by findings of the Ministerial Committee on Transformation, Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions (2008: 55).

Occupational Levels	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top Management	142	26	27	129	72	11	11	71	1	0	490
	29.0%	5.3%	5.5%	26.3%	14.7%	2.2%	2.2%	14.5%	0.2%	0.6%	100.0%
Senior Management	528	104	125	500	317	72	86	508	45	10	2 295
	23.0%	4.5%	5.4%	21.8%	13.8%	3.1%	3.7%	22.1%	2.0%	0.4%	100.0%
Professionally qualified and experienced specialists and mid-management	8 512	1 452	1 650	6 189	13 157	1 195	1 635	7 168	1 461	567	42 978
	19.8%	3.4%	3.8%	14.4%	30.6%	2.8%	3.8%	16.7%	3.4%	1.3%	100.0%
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	29 788	5 961	3 399	6 875	69 619	9 244	7 539	16 838	1 623	920	151 806
	19.6%	3.9%	2.2%	4.5%	45.9%	6.1%	5.0%	11.1%	1.1%	0.6%	100.0%
Semi-skilled and discretionary decision making	25 454	3 553	485	1 948	51 172	5 766	922	7 820	419	261	100 800
	25.3%	3.5%	0.5%	1.9%	50.8%	8.7%	0.9%	7.8%	0.4%	0.3%	100.0%
Unskilled and defined decision making	12 575	1 995	95	219	10 975	1 895	105	177	53	32	28 124
	44.7%	7.1%	0.3%	0.8%	39.0%	6.7%	0.4%	0.6%	0.2%	0.1%	100.0%
TOTAL PERMANENT	76 999	13 091	5 781	15 860	14 5312	21 183	10 298	574	3 605	1 790	32 6493
	23.6%	4.0%	1.8%	4.9%	44.5%	6.5%	3.2%	10.0%	1.1%	0.5%	100.0%
Temporary employees	12 165	2 085	719	4 684	24 059	3 310	1 190	6 257	1 966	1 091	57 526
	21.1%	3.6%	1.2%	8.1%	41.8%	5.8%	2.1%	10.9%	3.4%	1.9%	100.0%
GRAND TOTAL	89 164	15 176	6 500	20 544	169 371	24 493	11 488	38 831	5 571	2 881	384 019

Source: (Employment Equity Commission, 2014)

The so-called Soudien Commission states that “it is clear from this overall assessment of the state of transformation in higher education, that discrimination, in particular with regard to racism and sexism, is pervasive in our institutions” (2008: 15).

It is evident that there are problems in higher education relating to racism, sexism and compliance with Constitutional imperatives by higher education institutions. The reality of the status quo in the higher education sector is that there exists an adverse organizational culture within most universities leading to a hostile working environment for both black lecturers and female staff. This is evidence by the high attrition rate of black and female university staff.

The Employment Equity Commission (2013: 5) laments that this indicates “that racial discriminatory patterns even in the employment of people with disabilities still persists”.

Indeed, the Higher Education Transformation Network (HETN)’s analysis of university Employment Equity reports indicates that since 1994, there is a disproportionately skewed distribution of social demographics across the various occupational levels within the higher education sector.

There exists a very fine thread of interconnectivity between institutional non-compliance with employment equity targets, organizational culture, adverse workplace practices such as the maintenance of secret (hidden) salary bands, and victimization of blacks and females within the higher education workplaces.

The “Soudien Commission” (2008: 14) correctly asserts that *“it seems that there are mainly two reasons for the disjunction between policy and practice. The first appears to be the result of poor dissemination of information pertaining to policy, limited awareness of policies, a lack of awareness of the roles and responsibilities pertaining to implementation that flow from the policies, and a lack of institutional will. In many institutions, there exists a disjunction between institutional culture and transformation policies. In fact, the lack of consensus and/or of a common understanding of what these policies actually involve, was also raised by various stakeholders and constituencies at a number of institutions during the Committee’s visits”*.

5.2 Poor Institutional Culture

Institutional culture is generally understood to refer to the cultural norms, values, codes, rituals, symbols and practices via which social and intellectual behaviour is regulated within universities and within academic settings.

These practices are inscribed through more or less cohesive formal, semi-formal and informal codes and prerequisites into different parts of the regulatory and decision-making systems of universities, including its symbolic orders, over time becoming the accepted *“default way of doing things”*.

Institutional culture not only seeks conformity but also often acts to screen out and marginalize dissident voices as a dominant sub-culture, asserting its values and mindset as an informal institutional code of conduct thereby consolidating institutional hegemony in the workplace.

The recent violent protests for no fees, precipitated by the protests regarding apartheid statues and symbols within institutions of higher learning and the resultant sense of deep alienation and marginalization felt by black / female students and staff at mostly formerly white universities, coupled with the frustrations of black staff wishing to find their place within an established order of institutionalized social relations and power, and not seeing their own existential experiences being sufficiently reflected in largely Eurocentric

curriculum systems, has created a sense of powerlessness and deep anger and resentment.

Racism has been cited as the dominant form of alienation at many historically white universities, coupled with strong underlying sexism, ethnicity, tribalism, patriarchy, homophobia and in some instances xenophobia at a number of historically black universities.

It seems obvious that in order to create a university system based on the principles of inclusivity, diversity and equity means we must, force change through the promotion of non-racist, non-sexist, non-homophobic (anti-discriminatory) institutional cultures for all students and staff – a precondition for democratic citizenship at universities.

So too, for institutional cultures to change, more direct strategic monitoring and enforcement by the state preceded by and coupled with the enforcement of state policies is needed.

5.3 Poor State of Transformation in the Higher Education Sector

As part of the outputs of the Transformation Oversight Committee into Higher Education Transformation, Govinder, et al (2013) undertook a ground-breaking national quantitative study involving the demographic profiles 23 universities in the South Africa higher education sector.

The study utilized variables such as student enrolment and graduation, research output, composition of Senate, and staff complements to determine an equity index that ranks the 23 universities in terms of the timeframes that it will take to achieve transformation at the respective institutions.

Based on the above-mentioned variables, Govinder, et al (2013) thereafter determined an equity index across the various variables that ranks universities as per the following table:-

Institution	Enrolment EI	Rank	Graduation EI	Rank	Equity efficiency index
Central University of Technology	10.2	1	7.7	1	2.5
University of Johannesburg	10.6	2	21	5	-10.4
Tshwane University of Technology	13.9	3	12	2	1.9
Durban University of Technology	16	4	18.7	4	-2.7
Vaal University of Technology	19.1	5	17.8	3	1.3
University of Fort Hare	19.9	6	21.6	6	-1.7
University of South Africa	21.5	7	33.8	12	-12.3
University of Limpopo	22.1	8	23	7	-0.9
Mangosuthu University of Technology	24	9	24.1	8	-0.1
University of Venda	24.4	10	25.3	9	-0.9
Walter Sisulu University	24.5	11	25.6	10	-1.1
Nelson Mandela Metropolitan University	27.5	12	35.8	13	-8.3
University of Zululand	29.7	13	30.8	11	-1.1
University of the Free State	30.2	14	54.3	19	-24.1
University of KwaZulu-Natal	33.7	15	38.2	15	-4.5
North-West University	33.8	16	37.2	14	-3.4
University of the Witwatersrand	34.6	17	42.4	16	-7.8
Cape Peninsula University of Technology	40.5	18	47	17	-6.5
University of Pretoria	46.3	19	51.2	18	-4.9
Rhodes University	55	20	59.4	20	-4.4
University of the Western Cape	61.9	21	62.7	21	-0.8
University of Cape Town	63.4	22	74	22	-10.6
University of Stellenbosch	93.1	23	93.4	23	-0.3

Ranking of Universities based on Student Enrolment & Graduation levels

Source: Govinder, et al (2013)

Based on the above-mentioned variables, the attestation of the fact that the University of Stellenbosch, UCT, UWC, Rhodes, University of Pretoria, CPU, WITS and NWU form part of the top nine least transformed institutions in terms of ranking based on student enrolments and graduations is unmistakably exposed.

With regard to the staff composition variables, Govinder, et al (2013) determined an equity index across that ranks universities as per the following table:-

Institution	Overall	Rank	Exec	Rank	Instruct	Rank	NP Admin	Rank	Service	Rank	Spec	Rank	Technical	Rank	Crafts	Rank
University of Venda	23	7	21	1	32.3	5	29.1	6	27.9	9	27.6	4	44.6	8	36.9	3
University of Limpopo	12.2	2	21.3	2	20.4	2	22.4	3	28.3	11	21.8	3	37.9	5	63.8	5
Walter Sisulu University	13.5	3	25.1	3	16.5	1	30	8	26.4	6	29.7	5	55.8	11	35.9	2
Mangosuthu University of Technology	18	5	30.7	4	35.6	6	26.8	5	26.8	7	17	2	26.4	3	74.3	10
University of Fort Hare	11.5	1	38.2	5	29.6	4	23.2	4	70.5	19	14	1	25.9	2	77.5	12
Tshwane University of Technology	29.3	8	38.3	6	51.3	8	21	2	27.5	8	45.3	9	39.1	6	77.1	11
University of Zululand	15.7	4	45.2	7	26.5	3	17.6	1	29.8	12	30.5	6	39.8	7	77.5	12
University of the Witwatersrand	44.8	12	48.8	8	79.7	16	47.4	9	40	15	48.9	11	45.6	9	32.7	1
Vaal University of Technology	21.3	6	50.4	9	42.9	7	47.4	9	24.4	5	37.2	7	23.5	1	70	8
University of South Africa	36.9	9	51.3	10	56.6	9	29.6	7	33.8	14	46.8	10	62.9	14	59.3	4
Central University of Technology	42.3	10	51.4	11	64.6	10	58.3	14	14.6	2	38.9	8	58.8	12	73.5	9
University of KwaZulu-Natal	48.5	14	54.6	12	69.6	12	53.9	12	47.7	18	60.4	12	29.9	4	121.9	21
Cape Peninsula University of Technology	64	16	67.3	13	70.2	13	66.3	15	91.7	21	62.1	15	74.5	18	135.4	22
University of Johannesburg	46	13	76.6	14	75.3	15	55.5	13	43.7	17	62.2	16	52.8	10	67.3	7
Nelson Mandela Metropolitan University	69.4	18	78.8	15	91.3	20	73.3	18	27.9	9	72.3	17	59.4	13	84.7	15
University of the Western Cape	80	22	79.7	16	71	14	91.9	22	98.3	22	75.2	19	100.8	23	140.2	23
Durban University of Technology	56.4	15	84.3	17	66.8	11	50.1	11	41.1	16	61.1	14	73.4	17	109.4	18
University of Cape Town	76.4	21	88.2	18	89.7	18	83.9	20	77.6	20	79.9	20	86	20	117.3	20
Rhodes University	43	11	90.4	19	97.2	22	67.4	16	17.9	3	74.8	18	72	16	64.6	6
University of Pretoria	67.6	17	93.4	20	92.8	21	67.4	16	30.8	13	60.7	13	74.9	19	78.7	14
University of the Free State	70.2	19	95.4	21	90.5	19	80.6	19	13.9	1	106.4	23	91.8	22	97.1	17
North-West University	71.1	20	95.8	22	83.6	17	88.8	21	19.1	4	91.4	21	71.7	15	85.1	16
University of Stellenbosch	91.5	23	95.9	23	101.9	23	96.3	23	103.7	23	98	22	91	21	115	19

Ranking of Universities based on Staff composition

Source: Govinder, et al (2013)

Again, utilising the determined variables, the University of Stellenbosch, NWU, Free State, University of Pretoria, Rhodes, UCT form part of the top nine least transformed institutions in terms of ranking based on staff composition.

Also, utilising their Council and Senate composition variables, Govinder, et al (2013) determined an equity index across the various variables that ranks universities as per the following table:-

Institution	Council EI	Rank	Senate EI	Rank
University of KwaZulu-Natal	14.1 (44.6)	1	46.4 (89.3)	5
Mangosutho University of Technology	21.3	2	28.4	11
University of Fort Hare	23.9	3	50.3	6
University of Venda	29.2	4	42.2	3
Tswane University of Technology	39.1	5	45.2	4
Cape Peninsula University of Technology	42.3	6	82.7	12
University of Limpopo	50.6	7	36	2
University of South Africa	51	8	61.3	7
Central University of Technology, Free State	55.1	9	69.7	8
University of Johannesburg	56.2	10	83.7	13
Durban University of Technology	63.8	11	82.4	11
Nelson Mandela Metropolitan University	63.8	11	88.2	14
Rhodes University	64.4	13	98	17
University of Witwatersrand	65.3	14	96	16
University of Western Cape	70.4	15	79.2	10
University of Pretoria	74.8	16	93.8	15
University of Cape Town	74.8	16	102.7	18
University of the Free State	77.7	18	116.1	20
North West University	81.2	19	70.5	9
University of Stellenbosch	121.9	20	113.3	19

Ranking of Universities based on Council and Senate composition

Source: Govinder, et al (2013)

The findings, based on the Council and Senate composition variable, rank the University of Stellenbosch, NWU, Free State, University of Pretoria, UWC, UCT, WITS amongst the top nine least transformed institutions.

5.4 Rejectionism & Denialism by Vice-Chancellors

The denialist and rejectionist responses by members of the Council of Higher Education (CHE) and Vice-Chancellors (as represented by Universities SA) to the recommendations of Govinder, et al (2013) report and the Transformation Oversight Committee leaves a lot to be desired.

Universities SA (2015: 2 -3), in its denial of the complicit role higher education managers play in the slow pace of higher education transformation, dismisses the Govinder, et al (2013) study as being *“reductionist, essentialist and one-dimensional”*, further claiming its deductions and recommendations as being founded in a *“highly flawed and a much discredited assessment”*.

Further evidence of the undermining of the imperatives and need for transformation, and the pursuit for gender equity by mainstream higher education actors' denialism is encapsulated by Cloete (2014) who states that Govinder, et al (2013) *“equated equity with transformation, and delinked equity from development and performance”* and that the paper *“fell into the trap of a prevailing South African condition of using transformation as a code word for race”*. Cloete goes further and states *“the formula used in the paper produced a result in which several of the most equitable institutions were those being run by a government-appointed administrator”*.

Cloete (2014) in denial, proceeds to question the credible reasons advanced by Govinder et al (2013) behind the slow progress in transformation of higher education namely passive resistance, denial, the abuse of institutional autonomy, and lack of accountability by Vice-Chancellors. Cloete (2014) further proceeds to deride these as *“common South African form of accusatory politics”*. Ironically, Cloete can be found to be playing this exact type of politics.

Cloete (2014) proceeds to lament that the *“unintended consequence of the Equity Index of the Transformation Oversight Committee”* is an *“over-focus on equity for a privileged elite at precisely the moment that the central challenge for higher education is to support development, with increased equity, as outlined in the new vision of the National Development Plan”*.

It must be emphasized that whilst the bulk of recommendations from the Makgoba Transformation Oversight Committee are more detailed and specific than previous recommendations, higher education managers were already given an initial set of recommendations in 2008 by the Commission on Transformation, Social Cohesion and the Elimination of Discrimination in the Higher Education Sector as led by Prof Crain Soudien. Then too, the same detracting comments were made about the methodology and results, which further led to the protection of the status quo and negligible progress in relation to transformation.

Whilst the 2008 recommendations from the “Soudien Commission” were grudgingly “accepted” and given lip service by Vice-Chancellors under the then Committee of University Principals (CUP) and Committee of Technikon Principals (CTP), which later amalgamated to form Higher Education South Africa (HESA), the predecessor of Universities SA, the “Soudien Commission” recommendations were largely disdained, overlooked, and/or never implemented.

Vice-Chancellors have thus again expressly rejected the implementation of the recommendations of the Makgoba Transformation Oversight Committee as “*narrow conceptions of the remit and nature of higher education transformation*”. Many argue that this is done with impunity and disregard for the founding principles of our Constitution, the national imperative for transformation, and the authority of government.

That the Makgoba Transformation Oversight Committee is an advisory body, which does not have full statutory powers of oversight such as the Council on Higher Education (CHE), further adds to the dragging of heels, denialism and non-compliance by higher education managers on matters to do with transformation. In this time, the status quo is entrenched, socio-economic disparities are increased, and frustration amongst the disadvantaged populace heightens.

The HETN has within a period of five years since our establishment highlighted repeated examples of certain Vice-Chancellors (including a former Chairperson of the former HESA), who allowed the practicing of racist workplace practices, tolerated the forging of open alliances with racist political entities, continued practises of secret hidden salary bands that perpetuate discriminatory remuneration between black and non-black (white) employees, victimise black students and staff, and continue to flout employment equity and labour relations legislation aimed at fostering equality.

At the North-West University (NWU), a conspiracy of silence to hide fraud involving a former Vice-Chancellor and former Chairperson of HESA, Dr Theuns Eloff, who unilaterally transferred and “donated” R10m of public funds to a trust without the necessary Council approval and thereafter proceeded to work for the beneficiary of the R10m funding is still persisting today.

Irrespective of the existence of a formal fraud criminal case and an internal forensic audit report by Gobodo Forensic Accounting & Investigations (Pty) Ltd that states that Dr Eloff did not possess the requisite mandate or authorization to transfer R10m of public funds to the trust and that the beneficiaries of the “donation” have already paid themselves R3.6m as “*management fees*”, no criminal charges have been laid by the NWU Council. The HETN is concerned that it is the only entity that remains flummoxed and perturbed by this chosen course of action.

It seems, however, that this “indulgence” by the NWU Council is due to the fact that NWU Council loyalists and apologists influenced a Council resolution on the 19th June 2015 which unethically and improperly protects the former Vice-Chancellor through retroactively “approving” the alleged crime. The danger of this behaviour, based in what Tufvesson (2012, 2014) calls the *politics of loyalty* is at play in many universities and is never allowed to see the light of day as reports are suppressed or incriminating paragraphs are expunged before release.

Dr Eloff remains uncharged but benefitting also due to the fact that Adv. Johan Kruger, the NWU Chairperson of Council, has a conflict of interest since he has an existing relationship of influence with the aforementioned as an ExCo member of the FW De Klerk Foundation and Director of the Centre for Constitutional Rights of which Dr Theuns Eloff is the Chairperson of the Board of Trustees.

It is clear that stronger regulation of the higher education sector is required to remove the unilateral disregard for national interest and imperatives by Vice-Chancellors and university Councils.

We assert that this decision made by the NWU Council is but one example of many that constitute a fundamental dereliction of duty and mandate by university Councils that requires the state to be empowered to intervene so that taxpayers monies are better used to address the fundamental need for societal and socio-economic transformation through higher education.

It is critical that higher education institutions, their executives and managers should realize that institutional autonomy may not be mistaken for lack of accountability to the South African nation that establishes and funds them.

5.5 Absence of Female South African Professoriate

Naicker (2013:2) highlights that, owing to their small numbers in the workplace, female academics are often invisible and voiceless. There have been several interpretations over the years of the underlying root causes for the challenges constraining the empowerment of women and blacks within the higher education sector. These typically range from amongst others:-

- Unequal Access to Opportunities
- Balancing work and domestic responsibilities
- Stereotyping of Female Roles
- Contract Employment Status of Blacks/ Female Academia
- Inequities in research support
- Challenges in publishing scholarly work in publications

Mangcu (2015) highlights the absence of black South African females in the higher education sector and states *“it is worrisome, then, that South Africa’s best universities do not have a black presence to speak of at the highest level of the academic rank – the professoriate.*

Through their exclusive membership of the senate, professors are the vanguard of formulating the research and academic agenda, which reflects their own subjective dispositions and interests. They also decide who gets promoted, and thus the complexion of the professoriate.

In short, universities are the site of cultural and intellectual capital and should receive just the same attention as political and economic capital. Only 194 black or African South Africans are professors out of the country’s total of 4 000. This number translates to 4% of the total. The situation is more dire when it comes to women. Only 34 or 0.85% of the total number of South African professors are women”.

As intimated earlier in this presentation, the situation for non-black (white) women looks much better and it is often evident that rise in the ranks rapidly, often due to the matter of legacy and internal institutional support. Tufvesson (2005) explicates the intersectionality of gendered-racist policies, practices, and processes that specifically aim to marginalise and exclude black women academics.

Evidently, at the current pace, the higher education sector is producing professors from the ranks of the disadvantaged, especially black female professors, at a rate that will see South Africa unable to attain its National Development Plan targets. The table below shows the gendered-racialisation of the professoriate in higher education today.

Full Professors	2,174
Associate Professors	1,860
Total	4,034
Female Full Professors	534
Female Associate Professors	659
Male Professors	1,640
Male Associate Professors	1201
Total	2,174
Black Female Professors	43
Black Male Professors	260
Total	303

Source: Moultrie (2013), UCT & DHET

Unless institutions of higher education are made to systematically address deep-seated racial and gender attitudes especially towards black female academics in order to create a conducive environment to facilitate the growth and development of female academia to ensure that the country attains its National Development Plan (NDP) target of 50% representation of black and female staff in the sector and producing 500 000 PhD's, it will never happen.

5.6 Privatization of University Reserves

The illegal privatization of state funding perpetrated by higher education institutions undermines the ethos of the Education White Paper 3 of 1997, the Constitution of the Republic, as well as the Public Finance Management Act (PFMA).

We reiterate that these billions of reserves held by universities pre-1994 are ill-gotten gains from policies, processes and practices pre- and during the apartheid state, which need to be declared and returned to the national fiscus to be utilised to co-fund the annual allocations of the state and secure the entry of poor students into the sector through amongst others the recapitalisation of the National Student Financial Aid Scheme (NSFAS). Below is a declaration that indicates the questionable squirreling of funds.

Institution Name	Retained Profits (Reserves) & Investments
University of Cape Town	R3.7bn – Investments R6.1bn – Reserves
University of Johannesburg	R10m – Reserves
University of Pretoria	Over R45bn - Investments R9.8bn – Reserves
University of Stellenbosch	R7.9bn – Investments
University of the Free State	R3.3bn – Reserves
University of Witwatersrand	R1.7bn - Investments

Data from Institutional Audited Financial Statements, 2015

Contrary to the spirit of the Education White Paper 3 (1997), the University of Pretoria has privatized its key academic departments and support business units along economic imperatives into unlisted subsidiaries and has made investments into these subsidiaries totaling over R45 billion (according the 2009 audited financial statements) and holds reserves of up to R6 billion.

According to the 2009 audited financial results of the University of Pretoria, the university controls the following subsidiaries:-

- Tuks Sport (Pty) Ltd (100% shareholding)
- Enterprises at University of Pretoria (Pty) Ltd (100% shareholding)
- Research Enterprises at University of Pretoria (Pty) Ltd (100% shareholding)
- Health Enterprises at University of Pretoria (Pty) Ltd (100% shareholding)

- Enterprises at University of Pretoria Trust (100% shareholding)
- Business Enterprises at University of Pretoria (Pty) Ltd (100% shareholding)
- Continuing Education at University of Pretoria Trust (100%) shareholding)
- InSiAva (Pty) Ltd (75% shareholding)
- Vicva Investments (Pty) Ltd (75% shareholding)
- BALSS (Pty) Ltd (50% shareholding)
- Bookmark at UP (Pty) Ltd (30% shareholding)

It is our contention that through placing a national public institution under the control of private sector interests and diverting funds from the public coffers to private company subsidiaries whose operations, investments, accountability, Director appointments and remuneration are conducted without public oversight and accountability, contravenes the Public Finance Management Act (PFMA) and creates opportunities for rampant covert corruption that continues with impunity.

The privatization of higher education resources by institutions of higher learning undermines the ethos of the Education White Paper 3 of 1997 and also undermines and authority of the South African government to provide oversight for higher education in South Africa. The privatization of higher education by universities redirects financial resources of the state held by said universities into private hands without scrutiny or oversight as envisaged by the PFMA.

It is for these reasons that we support the legislative amendment to ensure that public tertiary institutions are audited by the Auditor-General, as is the case with other public entities of the state. In this regard, we hereby commend the Department of Higher Education and Training for its expansion of the application of the PFMA to include higher education in its purvey, and for the Auditor-General's office to take over the external audit functions of all publicly funded tertiary institutions.

It is the submission of the HETN that the statutory amendments contained in the Higher Education Amendment Bill 36 of 2015 are necessary and in the national interests of the Republic of South Africa to assist the country to attain its National Development Plan goals and objectives.

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About the Higher Education Transformation Network (HETN):-

The Higher Education Transformation Network (HETN) is an independent network of alumni and graduates from various higher education and further educational institutions across South Africa committed to the process of transformation of education and training to increase equitable and meaningful access to education, skills and learning to eliminate of socio-economic disparities.

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