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| MEMORANDUM FROM THE PARLIAMENTARY OFFICE |

**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 4557**

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**INTERNAL QUESTION PAPER NO 50 OF 2022**

 **Mr S Tambo (EFF) to ask the Minister of Higher Education, Science and Innovation:**

Whether the constant imposition of administrators at institutions of higher learning that are plagued by governance issues has assisted in the governance and operational functions of the affected institutions; if not, what is the position in this regard; if so, in what areas of governance has the improvement occurred? **NW5686E**

**REPLY:**

The Higher Education Act makes provision for the Minister to appoint a person as Administrator, if any of the following circumstances occur:

1. An audit of the financial records of a public higher education institution or the report by an independent assessor or any other report or information reveals financial or other maladministration of a serious nature or serious undermining of the effective functioning of the public higher education institution.
2. If the Minister has reasonable grounds to believe that the council of the public higher education institution concerned has failed to comply with the directive within the stated period, or the steps taken fail to remedy the deficiency within a reasonable period.
3. the council of the public higher education institution requests such appointment; or
4. if the council of the public higher education institution is deemed to have resigned (i.e., 75 per cent or more of the members of the council of a public higher education institution resign at a meeting of council.

Three institutions were placed under administration since 2019, namely UFH, VUT and MUT. This is out of 26 public higher education institutions.

**UFH:**  Several governance challenges arose at UFH.  Additional details can be found in the report of the Independent Assessor (gazette 42902, dated 13 December 2019). The University Council also found itself in a dilemma as it was unable to reach the required quorum at most of its meetings, which rendered the Council unable to make critical decisions. As a result, the University management was hampered by the inability of Council to meet and discharge its responsibilities.

The problems in the university and within Council continued through until April 2019 when the Minister intervened by appointing an Administrator to take over the functions of the Council. The Administration period came to an end in November 2020, and stability is evident in the Council.

**VUT:**Within a decade of VUT being placed under administration, from June 2018 the Minister received correspondence from stakeholders and people from within the University community making allegations and counter-allegations of maladministration, governance, and management challenges. The correspondences revealed challenges relating to governance, management, financial management, the conflicts exacerbated by the existence of factions within Council and management. The circumstances led to the resignation of several members of Council during April 2019, which rendered Council unable to reach the required quorum at most of its meetings and ultimately prevented it and management from discharging their responsibilities.

The subsequent resignation of Council in August 2019 necessitated an intervention at the level of an administrator.  Since the departure of the Administrator in August 2021, VUT has started addressing some historical governance problems. The Department continues to engage with the University about its governance and post-administration work.

**MUT:**MUT has a long history of governance challenges. Recurring themes across the various assessors’ findings include governance and management problems characterized by conflict and role confusion; human resources capacity issues; a weak policy environment; a weakly formulated academic project; and an institutional identity and culture that is not consistent with the understanding of what a university should be.

The various independent assessor reports provided recommendations which should have been implemented to enable the University to recover from its problems. On one occasion, the University was placed under administration. Yet, despite this intervention, its problems persisted. The 2018 Report recommended an administration, however after careful consideration of various factors and engagement with the Council, the Minister decided not to appoint an Administrator but rather to issue a directive.

Following the suspension of the VC in April 2020 and the subsequent events, the appointment of yet another Independent Assessor became necessary. Although the Independent Assessor report did not recommend the dissolution of the Council; the Minister considered the Report of the Independent Assessor, the response of the Council, other developments, the advice of the Council on Higher Education; the history of the University; and other recent developments at the University.

The Administrator's quarterly reports assist the Minister to obtain better insight into the problems which are identified, and how they can be resolved. The above examples show that the appointment of administrators follow serious considerations of what best serves the interest of the academic enterprise. The circumstances in the various institutions necessitated that the mandate of the administrator includes specific tasks to ensure that specific governance-related challenges are addressed.