



Statement on the 2008 Institutional Audit of the University of KwaZulu-Natal

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The decision of the Council on Higher Education (CHE) to withdraw the draft institutional audit report on the University of KwaZulu-Natal (UKZN) has unleashed a storm of controversy, as reported in the Mail & Guardian newspaper in recent weeks. At the heart of the controversy is the allegation that the draft report was suppressed at the behest of the vice-chancellor of UKZN, Professor Malegapuru Makgoba.

Although the withdrawal of the report raises important issues, it needs to be stated at the outset that the CHE's decision was based on the outcome of a process initiated to address concerns raised by the vice-chancellor, which UKZN had a right to do in terms of the CHE's institutional audit process.

CHE/HEQC's quality assurance function

In terms of the Higher Education Act, the CHE, through its higher education quality committee (HEQC), which is a permanent and expert committee, is responsible for the quality assurance of the higher education system. This includes promoting quality assurance, auditing institutional quality-assurance mechanisms and accrediting programmes offered by higher education institutions.

Although institutional audits have a dual purpose, that is, both ensuring accountability and promoting development, their primary purpose is developmental in terms of improving institutional quality. In line with this and underpinned by the principle of institutional autonomy, the institutional audit framework is based on a negotiated approach in which the nature and scope of the audit, including the selection of the audit panel are determined through a consultative process with institutions.

Furthermore, the draft audit report is submitted to the institution for comment and thereafter the report is revised should the institution identify factual inaccuracies and/or the misinterpretation of information and institutional views. It is against this background that the process leading to the withdrawal of the UKZN draft audit report should be located.

UKZN audit

The UKZN institutional audit was undertaken in October 2008. At the end of the audit, in line with established practice, the audit panel provided oral feedback on its findings to the university. Although this is usually restricted to the senior management, the vice-chancellor requested that the oral feedback should be streamed live via video conferencing facilities to the university community as a whole across all campuses.

The purpose of the oral feedback is to highlight the audit panel's provisional findings prior to the finalisation of the draft audit report. Given its provisional nature, the institution is not afforded the opportunity to respond to the oral feedback and because of this the university was requested not to record the video streaming.

In response to the draft report, which was submitted to the university in June 2009, the vice-chancellor raised two concerns. The first related to factual inaccuracies and the interpretation of evidence presented by the university, which – as the review panel subsequently established to assess the validity of the concerns raised found – could have been “addressed as part of the normal interaction between the HEQC and an institution in the course of the audit process”.

The second related to the integrity of the audit process, which in the vice-chancellor's view was compromised by the perceived bias of the chairperson of the audit panel, Professor Martin Hall, which was both reflected in the general tone of the draft audit report, as well by the breach of confidentiality resulting from the leak (to the Natal Mercury in January 2009) of a letter written by Hall to the HEQC in December 2008, that is, two months after the presentation of the oral feed-back.

In the letter Hall argued that the disciplinary action taken by the university against certain staff members soon after the conclusion of the audit panel's visit constituted a repudiation of the oral feedback provided to the university and was indicative of the fact that the university had little regard for the panel's findings, thus undermining the audit process. It was the impact of the leaking of this letter on the integrity of the audit process and on the outcomes of the audit that led the CHE to conduct a forensic investigation to establish the source of the leak, which was inconclusive, as well as to establish an independent review panel to assess the validity of the concerns raised by the vice-chancellor.

This was necessary because the HEQC's institutional audit framework does not contemplate challenges to audit reports on the grounds of bias and the integrity of the process and is thus silent on the mechanisms to be used address such challenges. Further, the review panel mechanism is fairly common in addressing contestations arising in the context of peer-review processes.

Professionalism and integrity of the audit panel

The establishment of the review panel notwithstanding, the CHE remains confident that the audit panel acted with professionalism and integrity during the audit. It should also be noted that in establishing the review panel, as is the practice with the selection of audit panels, the university was provided with the opportunity to comment on the composition of the review panel to avoid any claims regarding potential conflicts of interest at the end of the process. The review panel's main finding was that although “it is unable to firmly conclude that the letter from the chair of the audit panel did not have an impact on the drafting of audit report, the leak of the letter from the chair of the audit panel has substantially compromised

the audit process". It is this finding that led the CHE to withdraw the draft audit report and not as a result of any demand by the vice-chancellor as has been intimated.

Institutional autonomy

It is unfortunate that in the media comment the implications for the institutional audit process raised by Hall's letter and its subsequent leaking have not been subjected to scrutiny. The key implication is in relation to the principle of institutional autonomy. The findings and recommendations of an institutional audit are not binding on a higher education institution. The HEQC does not have any power of sanction to impose its findings on institutions. In fact, in order to ensure that institutional autonomy is not infringed, institutional audit reports, other than in summary form on the CHE website, are not made public by the HEQC.

Although it could be argued that the latter is contrary to the accountability purpose of institutional audits, it was on this basis that higher education institutions accepted participation in the institutional audit process. Thus, contrary to assertions that the quality-assurance processes of the CHE are seen as an infringement of institutional autonomy by higher education institutions, the CHE has gone out of its way to respect institutional autonomy.

In this context, irrespective of the merits and without condoning the disciplinary action instituted by the university against some staff members, the key issue is that Hall's letter could be construed as an attempt to interfere in the institutional affairs and operations of an autonomous higher education institution. Indeed, it could be argued that even if the university accepted the recommendation of the audit panel in the oral feedback that the conflict between management and academic staff should be addressed through mechanisms other than disciplinary processes, this does not necessarily preclude the university from initiating disciplinary action in particular cases.

Hall's intervention does raise an important issue regarding the role of institutional audits in the context of the principles of institutional autonomy and public accountability, which would benefit from further debate. However, his decision, as communicated to the CHE last week, to make "my copy of the transcript of the oral feedback available on request, to serve both the public interest, and as a refutation of Professor Makgoba's unjustified allegation" (regarding bias), is unfortunate and constitutes a breach of the confidentiality agreement signed by audit panel members and could serve to undermine the trust between the HEQC and higher education institutions that is an essential prerequisite for the success of any audit process.

Hall said in his communication last week to the CHE that the fact that the oral feedback was "filmed, and was distributed online by live video-feed" at the request of the vice-chancellor makes it a public document. This may well be so but the written record of the oral feedback is the property of the HEQC. It is for the HEQC and not Hall to decide whether this is released or not.

CHE and HEQC actions on the UKZN audit were inadequate

The lack of a timely and considered response by the CHE and HEQC in relation to the potential impact of leak of the letter further muddied the ground. This was due to a range of factors, including the absence of a process for dealing with substantive challenges to institutional audit reports, lack of clarity regarding the remit of the audit panel in relation to the final ownership of the institutional audit report, which vests with the HEQC, and the

blurring of lines between the role of the HEQC as an expert quality-assurance committee and the CHE as the juristic body liable for potential legal challenges to the institutional audit process. Furthermore, the management changes and vacuum at the CHE - between October 2009 and May 2010 there was no substantive CEO in place - did not help.

The CHE and HEQC need to reflect on the lessons from the UKZN institutional audit process and to address these going forward. This must be done in consultation with the higher education sector, which is essential to ensure the continued confidence of the sector and its participation in the institutional audit process. Although at the outset there was some scepticism within the higher education sector about the impact of the CHE's quality-assurance processes, the CHE is in no doubt that the sector will attest to the benefits of the institutional audit process, in particular, in enabling institutions to critically reflect on the efficacy of their internal operations and quality-assurance mechanisms, thus contributing to enhancing quality in higher education.

The foundations of a robust quality-assurance system have been laid in the past six years during the first cycle of institutional quality audits, the success of which is due in no small measure to the commitment and sense of purpose of institutions and a large number individual academics who have given of their time and effort. This should be built on as we prepare for the second cycle, which will move away from the first cycle's focus on the institutional systems, processes and policies required to assure the quality of an institution's core functions of teaching and learning, research and community engagement to a narrower focus on the conceptual assumptions informing institutional approaches to teaching and learning and their translation into practice at the level of curriculum and educational processes, including the level of learning support for students.

This focus on the coalface of the higher education system is critical to ensure that the transformation project in higher education is firmly linked to the social and economic development of South Africa. It is therefore essential that we do not throw out the baby with the bathwater. The fact that one out of 21 institutional audits completed to date has been withdrawn should not be allowed to tarnish the legitimacy and/or weaken public confidence in the institutional audit process.

Internal university conflict resolution

Finally, in reflecting on the role of institutional audits, it is also important to recognise that institutional quality audits are not a mechanism for addressing internal institutional differences and conflicts. The fact that there may have been or continue to be internal differences within UKZN between management and the academic staff, which remain unresolved, should be addressed through the governance structures of the institution. It is not within the CHE's mandate, and rightly so, to resolve such conflicts. If anything, attempts to drag the CHE into addressing internal institutional conflicts holds greater dangers for institutional autonomy and academic freedom than does the quality-assurance role of the CHE.