



COUNCIL ON HIGHER EDUCATION

Regional Forum on Government Involvement in, and Regulation of, Higher Education, Institutional Autonomy and Academic Freedom (HEIAAF)

Thursday 04 May 2006, University of the Free State Senate Hall

1.	<p>Welcome Prof Frederick Fourie (Vice-Chancellor and Rector, University of the Free State)</p>
1.1	<p>Prof Magda Fourie, who chaired the discussion, opened the meeting at 14:10. She introduced Prof Frederick Fourie, the Vice-Chancellor and Rector of the University of the Free State (UFS).</p> <p>Prof Frederick Fourie greeted everyone present, and welcomed them to the regional forum. He said that the University was glad to host the forum, which formed part of a large national project of the Council on Higher Education (CHE). He said that issues of institutional autonomy and academic freedom were relevant in any society but especially in South African society at the current time. The forum offered an opportunity to stimulate discourses on the subjects under review. It was critical these issues be debated. He noted that it is the role of the university to take intellectual leadership, to stimulate thinking, and to promote critical thinking. South Africa is a society in transition, and needs a robust university sector, as President Mbeki and the Higher Education Working Group have acknowledged. This requires debate on what it means to be an African university, and on how universities are part of addressing problems of the country and the continent.</p> <p>Prof Fourie said that the topic under discussion at the forum was relevant to the role of an engaged university, committed to addressing societal problems. The role of government in the higher education sector constituted a debate in all countries. It was acknowledged that government involvement goes through phases. However, universities need continuity to fulfil their role in society. Ten years after democratic elections was an apposite time to reflect on what that role might be. There was a danger in a country taking a particular policy route, and later finding it difficult to turn it around.</p> <p>Prof Fourie said that he applauded the CHE for launching the HEIAAF process and for convening the regional fora. The CHE investigation would produce a document that would allow for further engagement with the sector and with government. The forum was not just another colloquium. It was important for higher education role players to be part of the ongoing debate and to inform that debate. Prof Fourie said that it was a privilege for himself and for the university to host the forum. He welcomed people from other institutions, and acknowledged members of various constituencies present.</p>

2.	<p>Introduction by the Chairperson Prof Magda Fourie (Vice-Rector: Academic Planning, University of the Free State)</p>
2.1	<p>Prof Fourie said that she would like to elaborate on the context of the discussion. She referred to the <i>White Paper on Higher Education</i>, which provided policy on governance. South Africa has governance at a system level and at institutional level. She argued that the current discussion focused on system-level governance. She noted that the White Paper foregrounded co-operative governance (based on a state supervision model with a form of co-operative governance). The White Paper put forward the principles of institutional autonomy and academic freedom, alongside other principles such as democratisation, equity and redress, upon which the higher education system in South Africa would be built. It was important to debate the relationship between the principles of institutional autonomy and academic freedom and also to also open up debate to include the principle of public accountability.</p> <p>Prof Fourie pointed to the definitions of the three principles in the White Paper, beginning with its definition of academic freedom. “The principle of academic freedom implies the absence of outside interference, censure or obstacles in the pursuit and practice of academic work. It is a precondition for critical, experimental and creative thought and therefore for the advancement of intellectual inquiry and knowledge.”</p> <p>She said that according to the White Paper, institutional autonomy refers to “a high degree of self-regulation and administrative independence with respect to student admissions, curriculum, methods of teaching and assessment, research, establishment of academic regulations and the internal management of resources generated from private and public sources.” Prof Fourie drew attention to the qualifier that followed the White Paper definition: “Such autonomy is a condition of effective self-government. However, there is no moral basis for using the principle of institutional autonomy as a pretext for resisting democratic change or in defence of mismanagement.” She endorsed the conclusion in the White Paper that “institutional autonomy is therefore inextricably linked to the demands of public accountability”.</p> <p>Prof Fourie drew attention to the White Paper definition of public accountability that institutions are “answerable for their actions and decisions not only to their own governing bodies and the institutional community but also to the broader society”. She noted that this places higher education within a particular society at a particular time.</p> <p>Prof Fourie noted that these definitions point to inter-relationships between the three concepts.</p> <p>She said that one could move from understanding the broad background principles, to examining what had happened in the last ten years. The CHE’s commissioned report on recent and current debates in the areas of the HEIAAF enquiry provided a synopsis of policy implementation. In some cases the government responded to institutional crises: there had been instances of</p>

	<p>mismanagement, where the government decided to intervene to prevent the threatened collapse of an institution. The Minister had had to appoint Administrators in three institutions. This had led to an amendment of the <i>Higher Education Act</i> in 1999, providing for the Minister to appoint an Administrator to an institution.</p> <p>The <i>National Plan for Higher Education</i> had emerged after a long iteration. The higher education community had raised concerns over the plan, for example, criticising the emphasis on efficiency goals at the expense of redress goals, and raising concerns over how state steering impinged on institutional autonomy and academic freedom.</p> <p>Institutions had felt the effect of steering severely, for example, in the quality assurance regime implemented by the Higher Education Quality Committee (HEQC), which included a system of institutional audits. The HEQC had adopted 'fitness for purpose' and 'fitness of purpose' notions of quality. Concerns had been expressed over the 'fitness of purpose' approach, as this was seen as a threat to the autonomy of institutions (whilst institutions acknowledged that their vision and mission had to answer to the transformation ideals of the country). The HEQC's accreditation of new programmes was sometimes interpreted as limiting institutional autonomy and academic freedom. Similarly, Department of Education (DoE) management of institutions' Programme and Qualifications Mix (PQM) had placed barriers on the adoption of new programmes and might be seen as impacting on an institution's academic freedom and institutional autonomy. Other examples of government intervention included the mergers, the implementation of the National Higher Education Information and Applications Service, and enrolment planning. These policy developments had driven members of the higher education community to re-examine the principles of institutional autonomy, academic freedom and public accountability.</p> <p>Prof Fourie said that there was a need to think about the status and utility of co-operative governance in the country. One could argue that co-operative governance was not the current state of higher education governance. It was important to examine the value of co-operative governance and its practical utility in taking higher education forward. One could theorise the role of the state. There had been shifting dynamics over the past decade in the role of universities in post-apartheid South Africa. Building consensus around the core concepts of institutional autonomy, academic freedom and public accountability would foster positive inter-relationships.</p>
3.	<p>Task Team on HEIAAF: Terms of Reference of the Investigation Ms Ashley Symes (Research Co-ordinator to the Task Team)</p>
3.1	<p>Ms Symes noted that she was representing Prof Saleem Badat, Chief Executive Officer of the CHE and Convenor of the HEIAAF Task Team. Prof Badat sent his apologies to the forum, as he had been obliged to attend a rescheduled CHE Executive Committee meeting.</p> <p>This brief introduction to the HEIAAF Task Team's Terms of Reference was intended to focus on the underlying intentions of the enquiry, and key elements in</p>

the programme of work.

The CHE had convened the HEIAAF investigation of its own initiative, and not in response to a request for policy advice from the Minister of Education. The enquiry had no predetermined agenda or outcome; rather, its goal was to identify, describe and critically analyse various conceptions, claims and counter-claims as to government's role in South African higher education and higher education transformation, so as to advance independent argument and conclusions on the issues.

To this purpose, the CHE had convened an independent Task Team to guide and oversee the enquiry. Members were appointed to the Task Team in their individual capacities and were widely respected persons with expertise and experience in the higher education and research sectors, and in other relevant areas of civil society.

The Task Team had selected three key focal points for its enquiry:

- Nature and modes of government involvement in higher education transformation;
- Relationships between government, bodies with higher education regulatory functions, and higher education institutions;
- Conceptions of institutional autonomy, academic freedom and public accountability (normative and contextualised).

These avenues were being pursued through a number of interventions (see below) in order to build shared understanding of the issues, to generate consensus if possible (although absolute consensus might remain elusive), and to compile an independent report.

The Task Team had formulated starting premises for its work, although these too were up for debate by other role players and stakeholders:

- Government has a key role to play in transforming higher education in a democratic South Africa;
- State steering is predicated on the principles of institutional autonomy, academic freedom, public accountability, democratisation and development;
- As transformation has shifted from policy frameworks to implementation, concerns and claims have arisen that government involvement has shifted from steering to interfering;
- These issues have potential to become major sources of conflict and contestation in South African higher education;
- This situation requires exploration of key underlying conceptions in the state-sector relationship, and the links between them, as held by different higher education actors.

The HEIAAF process was unfolding over about two years (July 2005 to the second half of 2007), using five key inputs:

	<ul style="list-style-type: none"> • A commissioned overview of recent and current debates in the Task Team’s field of enquiry (completed October 2005); • Stakeholder submissions (first call for submissions made in July 2005 and a first set reviewed by the Task Team in October 2005; submissions were ongoing and a call for submissions by institutional stakeholder formations was in process); • Regional fora (six fora around the country between March and June 2006; a second round of regional fora was possible later); • Key interviews and meetings (e.g. the Task Team had already met with DoE representatives, HEQC representatives, Higher Education South Africa (HESA) Executive Committee members, student leaders, etc. and would be meeting selected Parliamentary Portfolio Committees); • Commissioned research (March-July 2006) – these projects covered: <ul style="list-style-type: none"> ○ Evaluation of co-operative governance, matching empirical perspectives with constitutional and public policy perspectives; ○ Interrogation of the practice of academic freedom in South Africa (and Africa) and implications for the wider practice of intellectual freedom; ○ Exploration of the potential of a ‘social pact(s)’ for institutional autonomy; ○ Focus on theoretical and empirical dimensions of public accountability in South African higher education; ○ Cross-cutting theoretical analysis deriving a principled and contextualised framework for the state-sector relationship, taking into account the South African and international contexts of higher education. <p>The various outcomes of these initiatives would be used by the Task Team to refine the continuing process leading to its independent report. The report would be disseminated via a national seminar (along the lines of the annual CHE colloquium). The CHE might also use the Task Team’s independent report as a key input to a policy report and policy recommendations of its own to the Minister of Education.</p>
3.2	<p>Questions</p> <p>Prof Frederick Fourie, UFS queried why the list of Task Team members presented to the forum did not include members of higher education institutions.</p> <p>Ms Symes explained that the Task Team was initially constituted to include institutional leaders and academics (in their individual capacities). For example, Prof Njabulo Ndelebe, Vice-Chancellor of the University of Cape Town, had been a member of the Task Team but had regrettably withdrawn recently, owing to other commitments. The Task Team was in the process of recommending new members for approval by the Council (CHE), and these would include institutional leaders and academics.</p> <p>Prof Kalie Strydom, Free State Higher Education Consortium, asked if the Task Team and its researchers were interacting at institutional level in the process; and why there was no member of business or industry on the Task</p>

	<p>Team.</p> <p>Ms Symes reiterated that the Task Team investigation aimed to access perspectives at institutional level especially through the submissions and regional fora processes. The research teams would access institutional perspectives variably (e.g. via interviews and case studies) in line with the individual objectives and research design of each project.</p> <p>Ms Symes undertook to raise with Prof Saleem Badat, Convenor of the Task Team, the matter of the Task Team's accessing business and industry perspectives, via its membership or other appropriate channels.</p> <p>Mr Mojalefa Simango, SASCO, asked if the Task Team was confining its investigation to the present dynamics of the state-higher education sector relationship in South Africa. He noted that although the rationale for mergers was known, the outcomes had yet to be realised. He asked how the Task Team was seeking to include crucial student perspectives.</p> <p>Ms Symes responded that the Task Team's primary focus was indeed the present dynamics of the state-sector relationship in South Africa, as the enquiry needed manageable objectives and outcomes. It had been decided to focus on the last ten years, to investigate whether the higher education system was departing in practice, or not, from the envisaged system of co-operative governance, which was still accepted policy. However, the enquiry extended beyond South Africa and the present moment in some respects. Commissioned research included a focus on associated African debates and experience, as well as on principal global debates and dilemmas in respect of institutional autonomy, academic freedom and public accountability. In order to compile a picture of the historical trajectory, the CHE hoped to publish monographs of key African and South African writings on these topics over the last few decades, as part of the HEIAAF work: however, funding for these activities had to be secured.</p> <p>Ms Symes noted that Prof Saleem Badat had presented and discussed the Task Team and its work at two gatherings of national student leadership; that the Task Team had met in March 2006 with representatives of the student movement, led by Mr Tembile Yako, Secretary General of the South African Students' Congress (SASCO); that the Task Team had received a written submission from SASCO; that all student organisations, and student leadership at institutional level, had the opportunity to make submissions to the Task Team; and that students were invited to attend all HEIAAF regional fora.</p>
4.	<p>Keynote Address Dr Adam Habib, Executive Director: Democracy and Governance Programme, Human Sciences Research Council (HSRC)</p>
4.1	<p>Dr Habib said that it was a pleasure to be at the University of the Free State, and he thanked both the University and the CHE for having invited him. He noted that he was a commissioned researcher for the Task Team, and that the forum would allow him to test his ideas with an audience that had a stake in the system. He hoped that his speech would facilitate a conversation amongst participants, and</p>

he hoped for robust responses.

Dr Habib noted that it was a most opportune time to have a discussion and for the CHE to undertake its investigation. There had been a vigorous debate in the print media and on radio talk shows on issues of institutional autonomy and academic freedom arising from Xolela Mangcu's departure from the HSRC and from the dispute surrounding Ashwin Desai at the University of KwaZulu-Natal. Other cases in the past included those involving academics Caroline White and Rob Shell. In the media there was debate over whether the freedom to write and research was being curtailed. Jonathan Jansen had, in two important public lectures, accused the DoE of violating institutional autonomy and academic freedom through its legislative framework and funding formula. These very disparate cases demonstrated fears being voiced over the curtailment of institutional autonomy and academic freedom, and raised questions over the implications for democracy and constitutional freedom.

Dr Habib said that it was important to identify the alleged violators of institutional autonomy and academic freedom. The current debate was not the same as it had been in apartheid South Africa, nor was it the same as debates in certain other African countries. In those cases the alleged violator was the repressive apparatus of the state. This was clearly not the case in democratic South Africa. However, Jonathan Jansen and other academics in formerly white institutions argue it is the bureaucrats in the DoE and even in the CHE who are undermining institutional autonomy and academic freedom.

A second violator could be seen as the institutional managers. Jonathan Jansen, André du Toit, Roger Southall and Julian Cobbing have bemoaned the new managerialism and the way it erodes the collegiality of the academy. This furthermore forms the basis of André du Toit's criticism of Jonathan Jansen when he argued that Jansen can conflate institutional autonomy and academic freedom because he sees them under external threat. But conflating the two concepts masks the danger of an internal threat: that institutional managers use institutional autonomy for their own advantage.

A third argument might be that it is academics themselves who are violators of academic freedom. Dr Habib referred to a paper by Ashwin Desai where he argues that research agendas are no longer set by academics themselves, but are sold to those willing to pay.

Dr Habib said that he raised these issues not to agree or disagree with the perspectives, but to show the range of stakeholders involved, and to argue that the debate needs to be more nuanced. What is the conundrum we face in South Africa? It is not so different from what was faced in countries north of us, where, in institutions largely staffed by expatriates and settler academics, new African intellectuals felt alienated, and lacked institutional power. They called on the state to intervene under the banner of democracy and transformation. The state moved in, determining the teaching agenda, and choosing the Vice-Chancellor and managers of institutions. From the 1990s (e.g. in the Kampala Declaration), the very academics who had called on the state to intervene, raised the banner of institutional autonomy and academic freedom, as previously raised by the 'settler'

academics and expatriates.

Dr Habib asked what lessons could be learned. He argued that the debates in South Africa are very much the same: Jansen says that institutional autonomy and academic freedom have been violated, while the Minister of Education, Naledi Pandor, says that government intervention is necessary to advance the cause of democracy and transformation. There is a polarised debate – with politicians, technocrats and some black academics raising the flag for democracy and transformation, while on the other side institutional managers, the white academy and some black academics raise the flag of institutional autonomy and academic freedom. This is a repeat of the debate on the continent two decades earlier. Dr Habib asked how South Africa could bridge the polarised debate, otherwise it was doomed to repeat the mistakes of other African countries, and experience the consequences.

In seeking a way forward, Dr Habib referred to André du Toit's distinction between a libertarian conception of academic freedom as a negative right, and a republican conception that links academic freedom to social accountability. One could hold that academic freedom needs to be coupled with transformation if it is to hold any relevance for South Africa. This republican conception would be supported by many. However, this argument suffers a weakness: that even where progressive conceptions of academic freedom and institutional autonomy are codified into a regulatory framework, there is no guarantee that this will be translated in practice. In African countries contestations have been determined not by abstract conceptions and a framework, but rather by power relations. The state prevailed because power was dispersed in its favour.

In seeking a solution, Dr Habib suggested that one could start with the republican conception but move beyond it, engaging in reform to disperse power to a wide range of stakeholders. He argued that institutional autonomy and academic freedom get constructed through the contestations of empowered stakeholders - state technocrats, institutional bureaucrats, academics, students and other groupings: If power is concentrated in the hands of the Vice-Chancellor, then the most persuasive academic may not have a voice; if power is dispersed, the Vice-Chancellor cannot get his way, or the Minister cannot get her way, to the exclusion of others. The question was therefore how to create empowered stakeholders across the sector.

Dr Habib proposed four reforms. He said that two of these spoke to issues of institutional autonomy, and two to issues of academic freedom. He reminded listeners that while institutional autonomy is a necessary feature of academic freedom, it is not on its own adequate to ensure academic freedom. He outlined his proposed reforms as follows:

- 1) Higher education has to reflect a plurality of stakeholders. This requires not only demographic plurality, but also intellectual plurality.
- 2) Institutions need to seek a diversification of income streams beyond the dominant streams of the state subsidy and student fees. It is important for institutions to access income from the private sector, foundations and

	<p>philanthropy, and to build research as an income stream, in ways applicable to the South African context</p> <p>3) The higher education sector needs to build national and institutional cultures that reward productivity and intellectual activity. This would require more money to be directed into research and scholarship, particularly in a context where academic salaries had been declining for 20 years.</p> <p>4) Academic entrepreneurialism is something that needs to be encouraged, valued, and actively built in the higher education system. This is because such entrepreneurialism, meaning the active marketing of the academy, is necessary for translating academic work to the benefit of a variety of stakeholders, including marginalised sections of society. This not only brings greater credibility to the higher education system, but it can also translate into increased resource flows into the university.</p> <p>Dr Habib concluded by saying that his proposed four reforms could have the systemic effect of dispersing power to a variety of stakeholders in the higher education system. He reiterated that it is in the contestation of empowered stakeholders that academic freedom and institutional autonomy can be constructed.</p> <p>The Chairperson thanked Dr Habib for a passionate and provocative speech.</p>
5.	<p>Discussant Dr 'Maboreng Maharasoa, Director: Higher Education Policy, Central University of Technology (CUT)</p>
5.1	<p>Dr Maharasoa said that she aligned herself with Dr Habib's observation that it was an opportune moment for discussions on institutional autonomy and academic freedom to take place. She urged that the discussion be pursued further within institutions.</p> <p>She noted that Dr Habib recast a pertinent stance reconciling introspective and externally focused approaches. In the latter approach, it is widely assumed that the villain springs into the university from outside. In particular, the CHE and the DoE are often named as the external enemy.</p> <p>The CHE had been accused of interfering through the HEQC, especially through audits and programme review. Dr Maharasoa argued that while there had been flaws in audit processes, criticisms should be directed to the process, not the purpose of quality assurance. She endorsed the view of Elaine EI-Khawas that the work of the quality assurance body should serve to enhance the public responsibility of institutions. Thus, if institutions were offering the right quality of education, they could be confident.</p> <p>Dr Maharasoa said that it had also been argued that the DoE had increasingly encroached on institutional autonomy and academic freedom through the output-based funding formula, enrolment capping and the PQM exercise, as alluded to</p>

by Prof Magda Fourie. However, she suggested the need to interrogate the possibility that institutions had provoked the DoE to increase control over those three areas.

Referring to complaints by institutions that the government linked funding to outputs, Dr Maharasoa noted that many institutions had themselves introduced performance-related remuneration for their employees. She questioned whether performance measurement could be viewed selectively as a positive or a negative lever.

Enrolment capping tended to be seen in the context of the Minister of Finance's limiting of increases in the higher education budget. It might also be argued that higher education institutions distorted labour supply through the over-production of graduates or by offering training disjointed from national skills priorities. This could be seen as justifying government steering through such means as the PQM exercise.

Furthermore, the sector had seen a wave of maladministration and misappropriation of public funds at some institutions, especially during the mid-1990s. Although universities had previously been exempted from the Public Finance Management Act (PFMA), the Minister of Education had announced that higher education institutions are bound to comply with the Internal Audit Act of 2004, which supersedes the exemption institutions enjoyed from the PFMA. Thus, Dr Maharasoa argued, institutions through their own acts had led to curtailment of their freedoms. Was it unreasonable to bring an Administrator into a dysfunctional institution?

However, in examining government involvement in higher education, Dr Habib had rightly cautioned that South Africa must not tread the same path as many post-colonial African countries.

Beyond the external antagonist, Dr Habib had identified internal vitiators, e.g. Vice-Chancellors and Deans. Yet he had omitted to mention university Councils, which could be seen as perpetrators in encroaching on the responsibilities of university managers, and as collaborators with executives in suppressing the rights of other constituencies in the institution.

Dr Maharasoa examined the proposition that the institutional technocrat might be seen as the chief defaulter. In the literature, it has been argued that institutional autonomy and academic freedom crumble in the hands of incompetent administrators. Acting with self-interest and with poor leadership skills, such administrators may turn vibrant institutions into beleaguered ones, and demoralise staff members. Some have argued that these administrators act by mobilising incentives and sanctions for key groups in order to suppress active dissent. Jansen has described such managers as those who manage threats of staff action, but lend no face to academic functions. Dr Maharasoa observed that such managers create academic cultures that are not receptive to critical viewpoints, and that are not receptive to the diversity of cultures advocated by Dr Habib.

Dr Maharasoa referred to objections raised by the Brazil Professors Association

	<p>and student groupings to a government edict granting autonomy to universities. Staff and students apparently sought the protection of government from the autocracy of institutional managers and structures (even extending in some cases to the Senate). This extreme instance argued the need for balance in determining questions of institutional autonomy and academic freedom.</p> <p>Dr Maharasoa turned to Dr Habib's recommendations to counter government intervention in higher education. She argued against Habib's view that accessing additional sources of funding would counter government intervention. This was unlikely to succeed because the primary motive for state involvement in higher education is to protect the public good.</p> <p>She said that the view that co-operative governance was not working – either between the state and the institution, or within the institution itself – might suggest the need for greater state involvement to safeguard the public good.</p> <p>A striking limitation in the debates was the lack of a practical alternatives put forward. What stakeholder other than government would command the legitimacy to act where an institution failed to self-govern? Even the 'differentiated autonomy' proposed by Jansen and du Toit would require institutions to undergo some kind of auditing in order to gain that differentiated status.</p> <p>Dr Maharasoa advocated, on the one hand, a focus on resurgent organisations. This would require a cadre of higher education leaders who commanded scholarly respect and demonstrated management competence. Universities needed to get their house in order to gain the credibility to demand institutional autonomy and academic freedom. On the other hand, students and staff should assume the role of stewardship of academic freedom and scholarship.</p>
6.	Open and Structured Discussion
6.1	<p>Dr Marcel Brussow, UFS</p> <p>In this participant's view, the higher education sector and the HEIAAF enquiry may have fallen into the trap of an 'us/them' debate around the state-sector relationship, rather than focusing on higher education's fitness of purpose, namely: the extent to which higher education is positioned and able to enrich its core functions (teaching and learning, research, and community engagement) and through these to enrich society.</p> <p>He further expressed concern about the HEIAAF Task Team's membership, which he perceived to have 'excluded' key constituencies. He was of the view that the Task Team needed to be restructured to provide a better basis for the enquiry.</p>
6.2	<p>Prof Thomas Acho, UFS</p> <p>This participant commended the four excellent propositions put forward by Dr Habib. He noted the seriousness of any situation in which academics are persecuted within their institutions, no matter by whom. However, he posed the</p>

	<p>question as to why an academic earning perhaps five times less than his Vice-Chancellor, would not appeal to the state to champion changes at institutional level?</p> <p>In this speaker's view, while the DoE had intervened in cases of gross maladministration at institutional level, it had not tampered with institutional autonomy as a general rule.</p>
6.3	<p>Prof Kalie Strydom, Free State Higher Education Consortium</p> <p>This speaker commented that the HEIAAF investigation ought to focus primarily on the <i>degree</i> of government involvement in higher education, given that some involvement by the state was accepted all over the world as necessary.</p> <p>It would be important, in this participant's view, for the HEIAAF Task Team to consider the success of other investigations of this nature in the past. In his view, no matter the outcomes of such efforts, the government or the market would tend to intervene anyway. As an aside, he wondered how much the HEIAAF investigation was costing.</p> <p>The Task Team's Terms of Reference document mentioned that consideration would be given in the investigation to mediating factors in the state-sector relationship (e.g. the market, globalisation), although little had been said about this so far. He noted that in the literature it had been argued that the market was a much harder taskmaster than the government. In the speaker's view, the Task Team would have to widen its appreciation of such issues in order to avoid the danger of developing theoretical debates that might not relate to practice.</p> <p>He urged the need to re-build society's appreciation for higher education.</p>
6.4	<p>Mr Mojalefo Simango, SASCO</p> <p>This participant welcomed the input made by Dr Habib, particularly in his views on the need to empower academics. However, he noted that more attention needed to be given to the role of higher education institutions and academics in assisting government: as critical citizens, offering advice to state and society. It was all very well to empower academics for intellectual activity, but academics must also be empowered to play their role in communities and society through the development of practical ideas. With this in mind, the DoE should be more proactive in monitoring the extent to which higher education institutions played their role appropriately, rather than intervening only when problems of governance arose. He welcomed the role of an independent structure like the CHE.</p>
6.5	<p>Prof Talvin Schultz, CUT</p> <p>The speaker noted that South Africa's constitutional framework empowers all citizens with academic freedom, but that this right is matched by the duty of accountability.</p> <p>He was interested to examine the claim government has to be a <i>key</i> role player in</p>

	<p>higher education, and noted that governments typically seek to consolidate power/control, rather than to foster diversity of opinion/input. This could be seen, for example, in certain developments in the legislative framework for higher education in South Africa: the Higher Education Act had marginalised Senate as a counterbalance to the Council (although the White Paper of 1997 recognised the necessary balance between the two); and an amendment of the Act made the Vice-Chancellor the Chair of the Senate. In the speaker's view, institutional autonomy in higher education was often manipulated in ways contrary to diversity – intellectual or demographic.</p> <p>The speaker questioned whether the HEIAAF Task Team's investigation was not taking place too early in the process of unfolding state-sector dynamics.</p>
6.6	<p>Prof Izak Steyn, UFS</p> <p>This speaker commended Habib's four fields of reform, but said he doubted that even these would be able to achieve equilibrium against the prescriptions of the state (referring to the state's influence in the area of financing, and prescriptions over reporting, enrolment planning and programmes).</p> <p>He gave the view that legislation determining the Vice-Chancellor as Chair of Senate did not impact on institutional autonomy. Even in an institution where the Vice-Chancellor challenged Senate to play a strong role in intellectual debate and strategic policy-making, this could not counter-balance the prescriptions of the state.</p>
6.7	<p>Advocate Xolile Xuma, CUT</p> <p>The participant focused attention on two interrelated questions: what is the state? and: for what purpose does higher education exist? In effect, he asked if the state could not be regarded as coterminous with a society and its people. If the answer to this question were yes, then could state regulation and control really be regarded as over-regulation?</p> <p>He questioned whether diversification of income would bring any change to the status quo of the state-sector relationship, given that the state must always take an interest in higher education as a social good.</p> <p>He suggested that if there were allegations of academic freedom being violated, these should be taken to court, since academic freedom was enshrined in the Bill of Rights.</p>
6.8	<p>Prof Frederick Fourie</p> <p>While Dr Habib's four proposed mechanisms for dispersing power to academics seemed excellent in principle, this speaker expressed the view that much might lie in the degree of these mechanisms in practice. Just as managerialism is an ideology taken some degrees too far in practice, so might it be possible to take ideologies of income diversity, or academic entrepreneurialism, too far in practice, so that they would have counter-effects to those intended.</p>

6.9	<p>Responses to Comments and Questions, by the Keynote Speaker and Discussant</p> <p>Dr Adam Habib</p> <p>Dr Habib noted that higher education autonomy and academic freedom must be constructed within the framework of what exists: the market is a reality, like it or not; the state has a legitimate role to play in regulating the higher education environment; the Constitution spells out rights that may conflict with one another; and so on. The idea would be for higher education to embrace the multiplicities of the environment, and therein to construct the freedoms of the sector and of intellectuals/academics.</p> <p>He acknowledged that limitations were experienced in how far laudable designs – even the Constitution - were carried out. Institutional design could take one so far, but the practice of institutional autonomy and academic freedom required empowered stakeholders, from bureaucrats to students. This was the way democracies were constructed. In addition, diversified income streams would enable higher academic salaries, and serve to promote research. Promoting a balance between market-driven research and self-initiated research would be one way of enhancing the space for intellectual activities. He reiterated the need for diversity: in intellectual plurality, and in the mix of ‘blue sky’ and applied research. The university had to be a diverse place for intellectual combat to take place.</p> <p>Dr ‘Maboreng Maharaso</p> <p>Dr Maharasoa thanked participants for their valuable comments.</p> <p>She gave her view that universities and government needed to find each other, in debating issues such as the purpose of higher education, and mission differentiation. Universities and government needed to work together for the advancement of the country.</p> <p>She noted that a speaker had criticised the use of generalisations in the presentations and had argued for a more nuanced description of the state of governance at institutions. Her response to this was that while some Vice-Chancellors might not push a managerial agenda through Senate, the government still needed to find a formula to determine which institutions were capable of self-governance. Otherwise, a blanket ruling would apply to all.</p> <p>She endorsed the viewpoint of Advocate Xuma that policy statements had not been tested in a court of law to determine whether they infringed the constitutional right to academic freedom.</p> <p>Dr Maharasoa argued that all stakeholders had defaulted on their responsibilities to some extent, and that all were engaged in finger-pointing. She advocated that all stakeholders try to behave responsibly in order to move forward.</p>
7.	<p>Closure by the Chairperson</p>

7.1	<p>The Chairperson thanked Dr Adam Habib, Dr 'Maboreng Maharasoa and Ms Ashley Symes for their presentations, and thanked Ms Carol Clarke for undertaking the preparations for the forum. She thanked participants for their lively participation.</p> <p>The Chairperson closed the meeting at 16:30.</p>