



COUNCIL ON HIGHER EDUCATION

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

Monday 22 May 2006, University of Johannesburg, School of Tourism and Hospitality

1.	<p>Welcome Dr Ihron Rensburg, Vice-Chancellor and Principal, University of Johannesburg (UJ)</p>
1.1	<p>Prof Yunus Ballim, who chaired the discussion, opened the meeting at 10:30. He introduced Dr Ihron Rensburg, Vice-Chancellor of UJ, who gave the formal welcome.</p>
1.2	<p>Dr Rensburg contended that the dialogue about academic freedom in South Africa needed to be more vigorous and imbued with a level of social activism; higher education needed to take back its voice.</p> <p>In setting the context for the debate, he referred to the <i>After Eight Debate</i> aired on SAFM that morning, which had profiled a South African Communist Party (SACP) view that an 'imperial Presidency' had created a weakened state. In this analysis, South Africa had evolved a weak Parliament, with Parliament and Parliamentary Portfolio Committees seen as rubber stamps of the executive and, to some extent, of the administration. This discussion had resonance for the debate around academic freedom, institutional autonomy and public accountability.</p> <p>He noted that the current discussion on institutional autonomy, academic freedom and public accountability was part of complex, multi-layered, intermeshed conversations taking place nationally and globally. The current discussions, and discussions in the years to come, were part of a necessary dialogue to enable participants to de-layer these interconnected conversations. The questions raised by the SACP could prompt one to ask whether there was a strong government department in relation to a weak higher education system. A consequence of this might be a weak culture of intellectualism. The real conversation had to begin by engaging the question: what is the university?</p> <p>The government had introduced a raft of policies in the area of higher education. In looking at current aspects of higher education administrative planning, quality management (as an alternative/addition to peer review), the rationalisation of programme offerings, mergers, and other outcomes of policies, one could draw a proposition that higher education had been placed under central control. Was the university therefore an 'organ of state' at the risk of becoming nothing more than a producer of qualifications on a conveyor belt, simply responding to the contingencies of the market? How was the university similar to, or different from, other state-owned enterprises?</p> <p>Academics had always had an image of the university as being a community of scholars, engaged in teaching, research and knowledge production, with a curriculum that went beyond just vocationalism and utility. But in the context of a developmental</p>

	<p>state, should one not have a developmental university that pursued the developmental agenda of the state? This idea might be seen in fundamental contradiction to traditional ideas of the university, where academic freedom was understood as the freedom to do research, to decide who should teach, and who should be admitted. However, academic freedom was not an end in itself: freedom had been placed at the highest level of the Constitution, amongst four principles that preface the rest: human dignity, equality, human rights and freedoms.</p> <p>How should the sector go forward? Firstly, the conversation must place the institutional autonomy, academic freedom and public accountability debate within the public space: higher education had to regain that space and its voice in that space. (This went beyond any Native Club.) Secondly, higher education should create intermediary institutions in which to dialogue. Such dialogue should include engagement around the developmental needs of the economy; higher education should not separate itself from market signals. Higher education should continue to engage with the state itself through the Presidential Working Group on Higher Education. This forum allowed insight into the strategic direction of government, and could serve to build the esteem of higher education. It provided a forum for discussion on roles and responsibilities in higher education. Higher education should also dialogue with civil society over its roles. Lastly, higher education institutions should consider dialoguing more directly with Parliament and its Portfolio Committees, and consider more purposeful accounting to Parliament directly.</p> <p>Dr Rensburg said that he looked forward to the day's forum.</p>
2.	<p>Introduction by the Chairperson Prof Yunus Ballim, Deputy Vice-Chancellor, University of the Witwatersrand</p>
2.1	<p>Prof Ballim noted that Dr Rensburg had used the words 'dialogue', 'discussion' and 'conversation' over twenty times in his welcoming address: this emphasised the need for engagement around the issues, rather than higher education occupying one position of polarity and the state another. Dr Rensburg's address had also identified a question underlying the Council on Higher Education (CHE) investigation: what is a university? The current dialogue fell between questions of state and questions of higher education. The Task Team sought to engage with higher education role players to seek viewpoints and stimulate debate.</p> <p>Prof Ballim introduced Mr Steven Friedman, who would be presenting the terms of reference of the Task Team.</p>
3.	<p>Task Team on HEIAAF: Terms of Reference of the Investigation Mr Steven Friedman, Research Associate, IDASA, and Member of the Task Team</p>
3.1	<p>The Task Team on HEIAAF had been established by the CHE to investigate government involvement in, and regulation of, higher education. The relationship between higher education institutions and government in South Africa had for long been a subject of debate and controversy. The CHE's belief that the relationship between government and higher education institutions was currently an issue of concern had been fully confirmed by the submissions received from most institutions, indicating that there was an urgent need for analysis and debate on this topic.</p> <p>The CHE Task Team was aware that there were some concerns in higher education circles about its very existence, given misgivings about the role of government in higher education. There might, for example, be perceptions that the Task Team itself</p>

was the advance guard of a state-led agenda. However, it was important to be clear that this was not the case and to clarify the terms of reference of the Task Team, in order to allay any misconceptions and confusion that might arise. The exercise should not be seen as a drive to curtail the autonomy of higher education institutions in any way. The CHE's mission required it to conduct research not only at the request of the Minister of Education, but also to give strategic advice in a proactive manner, as in this instance. The HEIAAF research project had been initiated by the CHE to provide insight into the sector at large.

The work done by the Task Team – i.e. its research, outcomes of various processes, and the final independent Task Team research report – would be in the public domain. Once the process was concluded, the independent findings of the Task Team might be used to inform a CHE policy report to the Minister.

There was no predetermined agenda in the Task Team's work, and the Task Team had formulated no view to date. Meetings to date had focused on process, and not yet on issues of substance. Substantive discussions would be informed by a range of processes taking place under the guidance and co-ordination of the Task Team and the CHE Secretariat.

While it might not be possible to reach consensus in the short term, the intention was to arrive at a greater understanding of opposing views, and to engage intellectually with issues in order to arrive at new understandings and to identify common ground where this existed. It would also be possible to create an improved understanding of government involvement in the affairs of higher education institutions, and what an appropriate relationship between these parties might be. Intellectual notions of academic freedom, institutional autonomy, and public accountability, in the light of the need for transformation, would also have to be debated.

The Task Team had formulated some starting assumptions for its work, which themselves could be contested as part of the unfolding HEIAAF process. The investigation was starting from the premise that government had a role to play in transforming the higher education sector. While it was acknowledged that there should be some state steering in higher education, this intervention should be based on democratic principles, and should not be seen as interference. The Task Team would not only be looking at government's interventions in higher education, but also at the appropriateness of this involvement. A conceptual framework that would be normative, but also qualified in terms of the national and international realities, should be generated.

The Task Team would investigate and critically analyse the following key areas:

- Nature and modes of government involvement in higher education transformation.
- Nature of relationships between government (and other bodies with higher education regulatory functions) and higher education institutions.
- Conceptions of institutional autonomy, academic freedom and public accountability, in general and in the specific context of South Africa and higher education transformation.

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

- A commissioned overview of recent and current debates in the Task Team's field of enquiry (completed October 2005);

	<ul style="list-style-type: none"> • 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 Department of Education (DoE) representatives, Higher Education Quality Committee (HEQC) Board representatives, Higher Education South Africa (HESA) Executive Committee members, student leaders, etc.); and • 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; ○ A theoretical analysis focusing on interrelationships between the state and the higher education sector; ○ Research into the practice of academic and intellectual freedom in South African higher education and society; ○ Research into university autonomy as a social pact between higher education institutions and other forces in society; and ○ Research into the concept of public accountability in the context of higher education institutions, and their relationships with society. <p>As mentioned, a Research Report would be produced and disseminated at a national seminar; and a Policy Report might, or might not be produced by the CHE.</p>
3.2	<p>Questions and Comments on the Terms of Reference</p> <p>Prof Nhlanhla Maake, North-West University (NWU)</p> <p>This participant asked what the CHE saw beyond the end of the process: where would it lead?</p> <p>Mr Friedman, speaking on behalf of the Task Team rather than the CHE, reiterated that an independent Research Report would be produced, which the CHE was free to reject, or to use in developing its own policy recommendations. The process was in itself intended to build shared understandings.</p> <p>Mr Morena Tsotetsi, NWU</p> <p>This participant questioned how significant student participation and input was seen to be in the process. Students saw themselves as being at the centre of these issues.</p> <p>Mr Friedman confirmed that the Task Team aimed to engage all stakeholders. Ms Ashley Symes, Research Co-ordinator for the Task Team, added 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>

	<p>Prof Rory Ryan, UJ</p> <p>This participant said that he appreciated the cautious, impartial stance adopted by the speaker. He asked whether there would be interim reports released by the Task Team, to allow members of the higher education community to engage with the views of different stakeholders.</p> <p>Mr Friedman thanked Prof Ryan for this suggestion. He said that he saw no reason why summaries of submissions should not be made public, and that this matter would be raised with the CHE Secretariat.</p> <p>Prof Yunus Ballim</p> <p>Prof Ballim questioned whether there were any Vice-Chancellors on the Task Team. Was the Overview document public?</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 Ndebele, Vice-Chancellor of the University of Cape Town (UCT), 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>The Overview document was posted on the CHE website.</p>
4.	<p>Keynote Address Prof Hassan Kaya</p>
4.1	<p>Prof Kaya noted that he had been one of the academics invited by North-West University (NWU) to contribute perspectives for the institution's submission to the HEIAAF Task Team; he was speaking at the forum in his personal capacity.</p> <p>The focus of his presentation was academic freedom, institutional autonomy and the search for relevancy in higher education in South Africa.</p> <p>He would provide some background statements and working definitions that would be useful to the debate. Thereafter he would discuss the ethic of academic freedom in Africa and in South Africa, before discussing the idea of academic freedom as a human right.</p> <p>Prof Kaya noted that higher education systems were structured variably around the world and that the South African higher education system was characterised by its own distinctive institutional formations, mix and capacities – and history; consequently, concepts of institutional autonomy, academic freedom and public accountability did not have constant meanings in all countries.</p> <p>A number of brilliant contributions to the debate had already been made, e.g. by Thomas Benjamin Davie, and by Jonathan Jansen. The TB Davie definition of academic freedom: "our freedom from external interference in a) who shall teach, b) what we teach, c) how we teach and d) whom we teach" had achieved paradigmatic status in South African higher education and still informed many interventions.</p> <p>Jonathan Jansen, in his 2004 TB Davie Memorial Lecture at UCT, had defined</p>

institutional autonomy as “the right of institutions to decide for themselves on core academic concerns” and saw academic freedom to mean “the absence of external interference in pursuing these concerns”. Jansen and a range of other commentators argued that government was moving or had moved from state ‘steering’ to state ‘interfering’, citing as evidence the Programme and Qualifications Mix (PQM) and programme funding decisions, the National Qualifications Framework (NQF), mergers and incorporations, and pressures constraining the diversity of research. These interventions appeared to focus on short-term political priorities rather than long-term system gains, but there was no evidence that centralised planning in higher education would best achieve national goals.

On the other side of the debate, the state had called for ‘co-operative governance’, but it could be questioned whether this had been achieved. Other commentators argued for ‘conditional autonomy’ or ‘differentiated autonomy’.

A number of arguments had been advanced to explain and justify the different positions in the debate between state ‘steering’ and state ‘interfering’:

- First, many argued that state intervention was needed in the post-apartheid period in the interests of equity, access and redress.
- Second, it was argued that state intervention was needed to deal with campus unrest, governance and management crises on some campuses.
- Finally, it was argued that the global capitalist agenda had corporatised, commercialised, and commodified higher education, seeking to align it with the market and private-sector proprietary interests, so curbing institutional autonomy and academic freedom.

Prof Kaya outlined Mazrui’s thesis that the modern university has rested on a basic contradiction between academic freedom and academic democracy, or between the freedom from interference and the right to participate in academic decision-making. This was not only an issue in Africa: Western universities might themselves have been fundamentally undemocratic in that they did not allow all constituencies to have a voice. The history of universities was linked to the constraints imposed by religion and science, e.g. intellectuals had to serve the prevailing faith or be charged with heresy in medieval Europe.

It was important that academic freedom and institutional autonomy be looked at in terms of the ethic of practical involvement and social accountability. From this perspective, relevance and excellence might be in tension; under one view expressed in the 1960s by an East African university Chancellor, relevance should always be preferred to excellence. Thabo Mbeki, in a lecture delivered at UCT in 2004, said that the spirit of higher education was more than social responsibility; it was about restoring dignity to the self-actualising activities of teaching, learning and research. However he also asked whether South African universities had sufficiently transformed in terms of representing all South Africa’s peoples and cultures, especially in regard to curriculum and relevance for Africa, rather than remaining as enclaves of the colonial past. The Association of African Universities in 2001 issued a *Declaration on the African University in the Third Millennium*, which called for a renewed sense of urgency in African universities’ finding solutions to African problems. Concerns arose over whether modern Western-oriented education was relevant to the African environment. Higher education in Africa today might be judged to be too foreign and too rationalistic. Beyond that, an ‘ivory tower’ approach to scholarly enquiry might be seen as an indulgence.

Nonetheless, the *Dar-es-Salaam Declaration on Academic Freedom and Social*

	<p><i>Responsibility of Academics</i>, adopted in 1990, emphasised universal rights and values. It saw education as part of the broader political process of human emancipation, rather than as an instrument of socio-economic development only; it re-asserted the right of the academic community to generate its own conception of national interests and societal needs; it coupled autonomy with social responsibility.</p> <p>In examining academic freedom as a human right, Prof Kaya argued that academics in Africa have been vulnerable to state repression. In the current South African legal and policy framework, academic freedom is a constitutional right. However, academic freedom does not depend on a national legal system, rather it depends on international law which defines academic freedom as a human right. The United Nations Committee on Economic, Social and Cultural Rights (UN CESCR), had identified a clear link between academic freedom and the fulfillment of the right to education.</p> <p>In conclusion, Prof Kaya argued that these issues needed to be taken seriously. Claims to institutional autonomy and academic freedom would differ according to the interests of particular constituencies. In South Africa, these claims might not always be realistic; they might be self-serving. He suggested that the government might need a differentiated approach to institutions, which took into account the variable capacities of institutions (as presented in arguments for 'differentiated autonomy' and 'conditional autonomy'). He urged academics in all disciplines as well as students to find their voices to defend academic freedom. Education should be seen as part of the broader process of human emancipation and coupled with social responsibility. There should be greater public awareness of the value served by free expression.</p> <p>As a further part of the debate, investigators could look at the impact on academic freedom of such aspects as the 'War on Terror', social unrest, and funding.</p>
5.	<p>Discussant Prof William Freund</p>
5.1	<p>Prof Freund said that he would not comment directly on Prof Kaya's rich presentation, but would instead highlight aspects of academic freedom. He was speaking as an academic, not an administrator, and he felt that his views were shared by many academics in the fields of social sciences and humanities.</p> <p>South Africa had, during the twentieth century, developed a particular definition of academic freedom. However, while this definition was still valid, it could be questioned whether it was adequate to face fresh challenges that had emerged.</p> <p>South Africa had a remarkable and special history of academic freedom. In part, it had been shaped by the history of apartheid, which served to create categories of universities. English-language universities were at the forefront of taking up academic freedom as a cause, asserting their right to admit students regardless of race, and to choose their own academic staff. Protest in black universities could be assimilated into the broader struggle against the political system, while the Afrikaans-language universities were seen as close to the state. Over an extended period, a range of universities became essentially anti-government, with some viewing their links to the Commonwealth as important. As apartheid became an international issue, their anti-government stance and the assertion of the right to academic freedom served their interests in the face of threats of sanctions and international isolation. Academics with a degree of faith in the institution's regulated self-governance invoked the TB Davie formulation in response to a view of siege: "our own institution versus the state".</p>

The post-1994 period was a new era, characterised by the institution of a democratic government. In the higher education sector, this led to the removal of constraints upon admission or staff hiring based on race.

Prof Freund identified two factors to be examined in looking at academic freedom in the democratic era. These were the massification of the higher education sector, and the corporatisation of the university. Massification, which had started pre-1994, had led to expanded access, and led to an increased proportion of students in career-oriented courses. As a result, fewer students were in programmes where issues of academic freedom were likely to be encountered. This raised the need to re-think the relevance of academic freedom in the current period.

The second factor to be examined was the change in governance brought about by institutional 'restructuring'. The autonomy of teaching units had been eroded as such units were replaced by larger, more administration-friendly schools. Faculty boards and Senate had lost power to executive management, who were in turn responsible to a Council with a large proportion of non-academics.

Prof Freund outlined two cases from his own institution to illustrate where, in his view, the academic freedom issues of the current period were to be found. Both cases involved difficult individuals, but, in Prof Freund's view, they had been resolved in ways demonstrating the corporatisation of the university, and detrimental to university ideals.

The highly regarded Professor Caroline White, brought in to the University of KwaZulu-Natal (UKZN) as Professor of Anthropology, had succumbed to pressure to unite Psychology and Anthropology in one school, in the hope that this would allow further appointments. Dissatisfied students took problems to the Dean above Prof White's head, resulting eventually in a string of charges formulated by the administration against Prof White, and in her firing prior to the confirmation of her appointment, on a few relatively minor charges that were upheld. The Commission for Conciliation, Mediation and Arbitration (CCMA) later ruled that, as any middle executive in a corporation, she could be disciplined or fired for not getting on with her 'superiors'. Prof Freund expressed concern at the weakness of the academic tenure system in South Africa, and at the administration that chose business principles over classic university procedures in resolving problems with a highly regarded and competent academic.

In the second case, the Vice-Chancellor of UKZN, Prof William Makgoba, had taken unusual steps to block the appointment of Dr Ashwin Desai to a research position at the university, on the basis of an agreement reached several years earlier between Dr Desai and the University of Durban-Westville, prior to the merger. Dr Desai had in the interim earned an international reputation as a social commentator and advocate for the poor, and served without problems in a temporary teaching post at the University of Natal.

Prof Freund concluded by arguing that issues of academic freedom in the current context were less likely to come from conflict between the state and universities, and more likely to emerge from conflict within universities, as a result of new governance arrangements, where an authoritarian administration imposed its will on academic matters. He advocated restoring power to teaching units and academic decision-making structures, and reducing the power of Councils and executives in academic governance, as a significant step towards creating an environment in which academic freedom could flourish.

6.	Questions to the Speakers, Comment and Discussion
6.1	<p>The Chairperson, Prof Ballim, invited questions, comments and discussion in response to the speakers and with reference to points forming the core of the HEIAAF investigation, namely:</p> <ul style="list-style-type: none"> • The nature and modes of government involvement in higher education; • Relationships between government (and other bodies with higher education regulatory functions) and higher education institutions; • Conceptions of institutional autonomy, academic freedom and public accountability, in general and in the specific context of South Africa and higher education transformation.
6.2	<p>Prof Nhlanhla Maake, NWU</p> <p>This participant said that he was concerned about use of the word ‘interference’. In examining “the nature of government involvement”, this word had negative connotations while ‘steering’ had more positive ones (to give direction against winds, for example). ‘Involvement’ was a more neutral word. It was important to look at the ideal relationship between state and sector, but within the context of timeframes. State intervention might be needed more in the short term, to give direction and guidance in the light of transformation, and less in the medium to long term. There would always be tension in the relationship to some degree, pointing to the need for role players to negotiate it.</p> <p>He referred to Althusser’s depiction of institutions as part of the ideological apparatus of the state.</p>
6.3	<p>Prof Christopher Rabali, NWU</p> <p>This participant suggested a need for more diversity of institutions, in terms of ideological positioning, in the country. He argued that South Africa might be seen to have a serious problem with institutional autonomy/academic freedom only if there were not space for the survival of those institutions which did not adhere to the ideological positioning of the state.</p>
6.4	<p>Prof Thomas Auf der Heyde, UJ</p> <p>This participant raised questions about the relationship between autonomy and the regulation of institutions’ PQM. He noted that before the HEQC could consider the academic merit of any programme, the programme first had to be vetted by the DoE. He questioned why the government set up a regulatory agency of quality, but then pre-empted its work by putting other regulatory processes in place before the quality assurance process. It was unclear what was happening in the DoE black box. He accepted that the PQM process might be motivated mainly by affordability considerations, rather than ideological ones. However, he argued that the two processes should be reversed: the HEQC should assess quality first, and then the DoE decide if it wished to fund the programme or not.</p> <p>He said that he would agree with Prof Freund’s proposition that at the current time there was no obvious ideological interference by the state, although the neo-liberal influence was quite clear. There was no evidence that the ability of university-based intellectuals to express themselves freely was constrained. However, he believed</p>

	<p>that the state had extremely utilitarian and thus simplistic conceptions of the university at the moment. This was where, in his view, academic freedom was being constrained: boxing the kinds of new knowledge that are to be produced, and neglecting notions of critical citizenship. He said that this put pressure on university administrations to balance the utilitarian expectations of government and the maintenance of scholarly enquiry.</p>
6.5	<p>Prof Hassan Kaya</p> <p>Prof Kaya said it had struck him that the issues were not being adequately debated within institutions. There was no coherent academic voice. While there were lots of differences between academics themselves, it was important to find common ground at that level first, before going to the state to accuse it of interference.</p>
6.6	<p>Mr Steven Friedman</p> <p>Responding to Prof Rabali, Mr Friedman asked how one would go about ensuring diversity of institutions? He said that this was an interesting point.</p>
6.7	<p>Prof Christopher Rabali, NWU</p> <p>The participant argued the need to bring in the reality outside higher education and the state, for instance by encouraging the establishment of private higher education institutions by other sectors, such as the church (c.f. St Augustine's). In society at large, people needed to be involved in higher education.</p> <p>He argued that public institutions should have more leeway for ideological diversity. In the past, the ideological space of some higher education institutions was taken up by being anti-apartheid; others' ideological space was dominated by using science to support apartheid policies, etc. He suggested that understandings of institutional autonomy and the role of government should be actively used to create space for a diversity of institutions.</p> <p>Turning to the issue of relevancy, raised by Prof Kaya and others, he acknowledged the importance of examining issues of poverty, public health, corruption, etc., related to political directions. If higher education institutions were to contribute to resolving these social problems, they needed to do so with ideological diversity and differentiated programme offerings, notwithstanding public funding. In a case where steering allowed the space for a diversity of institutions, with adequate funding, students would choose their institution.</p>
6.8	<p>Prof Frikkie van Niekerk, NWU</p> <p>This participant said that one should not forget that universities only contributed around 10% of new knowledge generation. Other institutions achieved more in this regard.</p> <p>It could be argued that the first-generation university built social fibre. The next generation built professions. The third generation built research, while the fourth-generation university contributed to economic growth. Academic freedom did not mean that a university could choose to do nothing. Higher education institutions had to recognise that they were in a social contract and accountable for some outputs. But this needed to be incentivised also. As an example, the Department of Trade and Industry (DTI) steered industry through providing incentives for development.</p>

	<p>Although the DoE provided less than 50% of institutional income, there was an impression that the DoE was the sole proprietor of higher education. The DoE could take an example from DTI in providing more incentives, and less interference.</p> <p>Universities had tried to respond to expansion demands, but were now faced with 'enrolment capping' proposals by government. This was a kind of hard interference that had not been well managed.</p> <p>If one looked at the kind of environment for higher education generally, including onerous labour demands, it was a hard one for universities. In general, what was important was for the state to create an enabling environment for a diverse contribution by higher education institutions. In many cases the involvement of government was seen in positive steering that enabled and empowered role players. However, where this became hard interference, it aroused concerns over infringement of the fundamental right of academic freedom.</p>
6.9	<p>Prof Antony Melck, University of Pretoria (UP)</p> <p>Referring to earlier comments about the need for diversity, this participant noted that the <i>National Plan for Higher Education</i> spoke of the importance of preventing homogenisation, and set a goal of differentiated institutions in a unified system of higher education. He said that it was ironic that the opposite had happened. Policy outcomes such as the mergers, funding formulae, and the change from technikons to universities of technology, had served to drive homogenisation. There were now very few small niche higher education institutions left, for example. Across the globe, where higher education had been very successful, it was very diverse (granted, with the support of good funding). In the US, there was a huge range of institutions, from two-year colleges to premier research institutions. That diversity gave a richness to higher education that South Africa was in danger of losing. In contrast to the US situation, in Europe there was a relative lack of diversity in higher education, as well as a relatively high degree of state interference.</p> <p>Furthermore, state interference in South African higher education was in danger of becoming arbitrary. Funding arrangements left room for the Ministerial hand to grab. In recent speeches, the Minister had spoken of the need to control student fees. Increased state funding had recently been given to some historically-disadvantaged institutions, but apparently without a fair and transparent process. This suggested arbitrary funding, which was an indication that state steering had gone too far. Funding could be used as an instrument to curb diversity.</p>
6.10	<p>Prof Rassie Malherbe, UJ</p> <p>This participant said that it was often forgotten that one should start an examination of these principles (academic freedom, institutional autonomy, public accountability) from a legal point of view. The right to academic freedom was located in the Bill of Rights. The Bill of Rights served to regulate the relationship between the state and the people, and accordingly, between the state and the academy. The right to academic freedom was accorded not only to the individual, but also to the institution. The definition of academic freedom proposed by TB Davie in the 1950s had been adopted into American case law and had also been used to derive the principle of institutional autonomy in American higher education. (Academic freedom might, incidentally, come into conflict with institutional autonomy where executive management asserted its right to manage autonomously.)</p>

	<p>It was critical that the current investigation reflect this legal point of departure. It was incumbent on South Africans to give legal content to what academic freedom, institutional autonomy and public accountability mean. Every time the state adopted a particular policy for higher education, it must justify it in relation to the Bill of Rights: - this is reasonable and justifiable in an open and democratic society. An acknowledgement of the legal parameters, in the speaker's view, had sometimes been lacking in the debate so far.</p>
6.11	<p>Mr Morena Tsotetsi, NWU</p> <p>The participant said that students were still concerned about the lack of involvement of government in higher education at institutional level. This had been raised at conferences/congresses of student leadership, with reference to large gaps between national goals and actual transformation on the ground with respect to curriculum, enrolments, etc. In merged institutions, one of the partner institutions often emerged as dominant in setting the transformation agenda and in establishing the curriculum. Students saw the importance of government's monitoring the curriculum to ensure relevance and quality in the curriculum and to ensure international recognition of qualifications. One should ask the question: is government really interfering? Viewpoints differed on this: management might say there was government interference; academics might say there was limited interference; whereas the student community saw government as reluctant to interfere. It seemed executive management was interfering a lot in academic operations. It might also happen that when students tried to raise their voices, they were victimised. Student involvement in institutional governance was important.</p>
6.12	<p>Prof Danny Titus, University of South Africa (Unisa)</p> <p>The participant said that one needed to accept that institutions did not operate on sovereign soil or separate islands. In asserting institutional autonomy, institutions should exhaust whatever possibilities were available to them – the scope being wider than some people realised. The relationship between government and institutions was experienced as a pendulum effect: sometimes government intervened to a greater degree, and at other times to a lesser degree – it was an acceptable balance that needed to be negotiated. Viewpoints differed on what constituted appropriate involvement. Academic freedom itself was dynamic; it coexisted along with other rights.</p> <p>It was important also to acknowledge the powerful context of the developmental state and what this meant for the nature of the university. To what extent was higher education aligning itself with developmental goals?</p> <p>Ihron Rensburg had spoken of the need for national dialogue, and for institutions to interact with Parliamentary committees. What did the panel think about national dialogue as a strategy? Would such dialogue be ongoing? The speaker said that he would support continuous constructive dialogue.</p>
6.13	<p>Mr Steven Friedman</p> <p>Mr Friedman said that he agreed with the view that there was a pendulum in government-sector relations. The HEIAAF Task Team was seeking to a) enable recognition of common ground, and b) allow role players to pursue disagreements more intelligently and constructively.</p>

6.14	<p>Prof William Freund</p> <p>Prof Freund gave his view that the Ministry had not really acquired the capacity to engage with a lot of issues very well. There should be room for government to determine excellence in PQM and to decide which programmes continued and were resourced - but the people making those decisions must have the capability and the capacity to do so well. Likewise, academics had never been able to explain to government that humanities and social sciences required different kinds of research funding from the sciences. The country needed skilful people in the Ministry as well as dialogue. The more expertise there was in government, the more confidence higher education would have; at the moment there was too much of a gap.</p>
6.15	<p>Prof Francois Venter, NWU</p> <p>This participant observed that living with globalisation was a reality. In this context, higher education was a global exercise with global implications. Therefore the system, and an examination of academic freedom, could not be only inward-looking. South Africa had to compete and participate in scholarly terms with the rest of the world. The HEIAAF exercise should take specific note of the implications of globalisation on the South African higher education system.</p>
6.16	<p>Dr Ihron Rensburg, UJ</p> <p>Dr Rensburg said that it was useful to remind ourselves that up to 1994, there was relative unity around the concept of academic freedom. Somehow this had fragmented: one group argued for freedom from state interference, another argued for government involvement in support of transformation. In the mid-1990s there had been little space for a conversation about ‘fit’: what it meant to be a transformed university, what it meant to be an African university, etc. Policy instruments had been introduced to deal with vast differences of quality in the system, but the steering instruments might have over-reached. Did the higher education sector need the level of detail entailed in quality assurance measures, the PQM, and the funding formulae? He questioned whether a softer touch might be more appropriate, e.g. an intermediary set of institutions that allowed for a formal dialogue between state and sector.</p> <p>Dr Rensburg noted that Telkom, Eskom, the SABC, and other parastatal bodies had more autonomy than higher education institutions. This might be because the state injected fewer resources. The SABC held an annual conversation with the Minister to discuss its medium-term direction. He suggested that higher education could similarly have a high-level conversation annually. This should not constitute dialogue for dialogue’s sake, but should develop broad commitment to strategic goals.</p> <p>There was space for the sector to begin to examine the issue of fit to South African experience, and to advance diversity in the system. As an example, UJ consolidated three institutional experiences: had this destroyed diversity? Or was it the task of management to foster the diversity within institutional experience?</p> <p>It was important for the sector to look inward. There was space to have a conversation about the possibility of developing a university charter in South African higher education. This would entail questions such as: what is the university in South Africa?; what is the university in Africa?; what is the university globally?; what is our social contract that we commit to? The development of a charter might help to build public esteem for higher education and help to build commitment around</p>

	transformation goals.
6.17	<p>Prof Nic Olivier, UP</p> <p>The participant urged the Task Team to revisit the CHE's work on co-operative governance, as a basis of understanding the relationship between the state and the sector. Opportunities should be created for higher education institutions to interact with the Task Team on recent developments, e.g:</p> <ul style="list-style-type: none"> • The government's aim to ensure more Science, Engineering and Technology (SET) and Business, Commerce, Management (BCM) enrolments. How would this be done? • The Minister had said that the government would cut student fees. How would this be done? This would seriously impact on its relationship with institutions. • The government's Accelerated Shared Growth Initiative for South Africa (ASGISA) and Joint Initiative for Priority Skills Acquisition (JIPSA). There had been government interaction with Higher Education South Africa (HESA) on these initiatives, but not interaction at an institutional level. What did these initiatives mean for higher education institutions? • Through the 2005-2014 Mainstreaming Environment and Sustainability in African Universities (MESA) initiative, Sub-Saharan governments had agreed that they would focus on research/teaching programmes to ensure that each course included a focus on sustainable development in line with United Nations Environmental Programme goals. The Minister would have to report in five years on what had happened in South African higher education. How would this plan be carried out, and what were the implications for institutional autonomy and academic freedom?
6.18	<p>Prof Yunus Ballim</p> <p>Prof Ballim expressed a fear that South African higher education was deeply mediocre for the most part, as reflected in its shocking throughput, and predominance of mediocre research, etc. Seeking different rules for South African higher education was <i>not</i> an argument for mediocrity. South African higher education made a bad case for itself.</p> <p>Prof Ballim said that he liked the idea of an intermediate structure that would mediate when government needed to intervene. However, the basis of engagement would have to be a relationship between two equally strong partners. At the moment they were not equal: the higher education sector was parochial, and in many cases its work not defensible, c.f., a recent report of the Association of Science Academies which had highlighted the poor quality of South African research. Some of the qualifications approved by the HEQC made him uncertain about how the quality enterprise was being carried out.</p> <p>He said that these remarks were only partly mischievous.</p>
6.19	<p>Prof Nhlanhla Maake, NWU</p> <p>This participant said Prof Ballim had made important points which were not at all mischievous. Members of higher education institutions seemed to have adopted a siege mentality. This put them in a false position. They were not active and aggressive: they reacted to policy, rather than unpacking the understanding of what institutional autonomy and academic freedom should be, and how these concepts should be engineered and monitored. In this way the higher education sector would</p>

	<p>always be a step behind. In contrast, the judiciary had responded aggressively, although cautiously, when legislative changes were proposed that affected its autonomy.</p>
6.20	<p>Mr Morena Tsotetsi, NWU</p> <p>The participant agreed that the higher education sector should identify frankly where there was a need for government to step in, and where it should back off. This issue was under debate in student formations.</p> <p>By the same token, the Minister should be cautious in making statements: the Ministry should not state that higher education would be open to all, as this created expectations in a context where there was inadequate funding.</p> <p>It was important for students to examine how institutions were run.</p>
6.21	<p>Responses to Comments and Questions by the Discussant and Keynote Speaker</p> <p>Prof William Freund</p> <p>Prof Freund said that it would be dangerous for government to feel that the dialogue should be conducted with administrators only. Executive management was removed from the coalface; most academics felt alienated. He questioned whether Vice-Chancellors talked to academics about problems in the classroom.</p> <p>Prof Hassan Kaya</p> <p>Prof Kaya urged the need for academics to debate the issues of academic freedom, institutional autonomy and public accountability amongst themselves to further the debate, and also in order to move beyond institutional self-interest. Those who in the old days might have supported the state now cried foul over academic freedom.</p> <p>The restructured higher system might have dealt with some of the most glaring inequalities. However, the mergers had not created diversity, while they had blanketed inequality.</p>
7.	<p>Closure by the Chairperson</p>
7.1	<p>The Chairperson said that there were a lot of issues that the forum had not been able to cover, e.g. the role of the corporate sector in higher education research; the way the rules of the Technology and Human Resources for Industry Programme (THRIP) and other research funding programmes had changed. The point that had been made best in the forum was that the borders around universities were permeable. The university influenced society, and the society influenced the university. All the same, members of universities had to recognise that there was a boundary, and had to agree essentially on how it was configured, and how it was managed to enable the university to engage with the society. Government could be seen as the voice of that society. The answer lay in interventions at both ends of the state-sector spectrum.</p>
7.2	<p>Mr Steven Friedman, as a member of the Task Team, thanked participants for the rich discussion. He said that some issues raised were being researched further in the Task Team investigation, e.g. co-operative governance, and the influence of the corporate sector. He urged participants to continue the dialogue.</p>

7.3	Delegates were thanked for their participation and the Chairperson closed the meeting at 13:30.