

# The response of the **Council on Higher Education** to the report of the **Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions**

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## 1. Introduction

The Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions was set up by the Minister of Education, Naledi Pandor, in March 2008 to “investigate discrimination in public higher education institutions, with a particular focus on racism and to make appropriate recommendations to combat discrimination and to promote social cohesion” (Soudien, Michaels, Mthembu-Mahanyele, et al. 2008). The final report of the Committee was published in November 2008 and includes forty recommendations to the sector.<sup>1</sup>

As the statutory body responsible for advising the Minister of Higher Education and Training on higher education matters, for assuring and promoting quality within the sector, and for supporting the development of higher education, the Council on Higher Education (CHE) has a direct interest in progress towards combating racism and other forms of discrimination in the sector and hence in the content of this report. The CHE is also committed to the national goals of transforming higher education. The objective of this response by the CHE is to reflect on the report, its findings and recommendations, and to indicate how the CHE can contribute towards the implementation of the recommendations.

Several of the recommendations made in the report fall within the mandate of the CHE and many of the existing CHE structures, projects and operational processes can be brought to bear on implementing them. In responding to the concerns raised in the report, the CHE has concentrated on those issues that have been identified in the CHE’s business plan as key focus areas. In this way, the CHE can contribute to addressing the concerns raised in the report, within our planned activities and without requiring additional resources.

## 2. Process

The Report was circulated to the members of the Council at the Council meeting of 26 May 2009. At this meeting it was decided that the report warranted a more in-depth discussion and it was referred to the Advice and Monitoring sub-committee. This sub-committee met on 14 August 2009 and all members of the Council were invited to join the meeting.

The Department of Higher Education and Training (DHET) was represented by Dr. Sehoole who indicated that the DHET would like the CHE to focus in our response on identifying strategic interventions that will result in action.

In discussion, the parameters for the CHE’s response to the report were agreed, including that the focus would be on identifying areas in which the CHE had already contributed, was contributing through current work, and could contribute through planned work. The parameters were documented and presented to a full meeting of the Council on 18 August 2009.

This response was developed by the Advice and Monitoring directorate of the CHE, in consultation with HEQC directorates. A draft of this response was presented for consideration to a full meeting of the Council on 3 December 2009 where it was approved subject to minor changes.

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<sup>1</sup> In what follows, the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions is referred to as the Committee, and the Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of Discrimination in Public Higher Education Institutions is referred to as the Report.

### 3. On the parameters and findings of the investigation

The Committee took as its starting point the Education White Paper 3's vision of a transformed higher education system (Ministry of Education. 1997), a vision which the CHE supports and works towards. They set up some parameters for their understanding of discrimination and racism, distinguishing between systemic racism, institutional racism, interpersonal racism and personal racism (p. 26). The Report points out that the individualization of racism prevents institutions addressing the problem more holistically (p. 42).

An important point made in the Report is that higher education institutions of necessity discriminate in the selection of students and staff and that such discrimination is necessary and desirable. Similarly, concerns were raised at some institutions, that social cohesion might be interpreted as "social and political consensus" (p. 38) and that this might limit the scope of people at universities to question and debate. The CHE has concluded extensive research into the matter of academic freedom and institutional autonomy in relation to the broader needs of society (HEIAAF. 2008).

The CHE acknowledges the constraints of the Committee in undertaking this investigation and the resulting limitations of the report. In particular, the report points out that the investigation "was not an academic exercise" (p. 32) and that the investigation has resulted in a body of information that should be used in further research towards a more in-depth understanding of the problems.

There is little that is surprising or unexpected in the findings of the Report, which are in line with the experience of the CHE, and in particular the HEQC in their interactions with the sector. The CHE concurs with the position of the Committee, that "transformation is a challenge facing all South African higher education institutions, irrespective of their historical origins" (p. 28).

### 4. Responding to the recommendations

In the section that follows, we discuss the recommendations and outline the ways in which the CHE can support their implementation. We propose that the CHE can best contribute by supporting the recommendations in the course of our planned activities, as identified in the CHE's business plans. The planned work of the CHE includes work in the mandated areas of advice and monitoring, generation and setting of standards, and assuring and promoting the quality of higher education.

The CHE is committed to supporting the implementation of the recommendations of the Report. However some of the recommendations might need to be better understood and might achieve greater impact if somewhat modified. Where we have concerns and ideas in this regard, they are noted in the discussion below.

The recommendations of the report are structured into recommendations made to the Minister of Education<sup>2</sup> (p. 15) and recommendations made to higher education institutions (p. 17). The CHE works at both a national level, advising on policy, and with individual institutions, through the quality assurance processes. So our contribution can be at both levels. In the discussion that follows, the recommendations and our proposed support for them, have been grouped and are discussed by subject.

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<sup>2</sup> Now, presumably, the Minister of Higher Education and Training.

## The planned work of the CHE

It is important that the ways in which the CHE supports the recommendations of the Report, be situated within the context of the planned work of the CHE. In order to contextualize our response, this work is outlined here.

Within the advice and monitoring mandate, carried out by the Advice and Monitoring directorate, the objective for the next three years is to develop the capacity to anticipate significant issues in higher education and to proactively advise the Minister on how these issues can be addressed. To this end, the CHE is working to put in place systems to monitor and improve our understanding of key identified issues in higher education. The key issues identified include: student access and success, funding and accountability, the contribution of higher education to development, staffing higher education and differentiation across the sector. There are clear links between these key issues and the transformation concerns raised in the Report.

There are two parts to the advice and monitoring work. Firstly, to develop a monitoring framework, which includes identifying indicators in these areas and identifying or developing data sources for those indicators. The second entails tracking and doing meta-analyses of research in the sector that relates to these areas. In addition to this core work, a few research projects are conducted and there is ongoing work around the dissemination of information and research. These activities can be used to contribute to the monitoring of progress towards transformation at a system level, and to contribute to debate and greater understanding of the issues raised in the Report, and hence of effective responses.

The quality assurance mandate, carried out by the HEQC, is framed by an understanding of quality as fitness of purpose, fitness for purpose and value for money within a context of transformation. The work includes institutional audits, programme accreditation, national reviews, and quality promotion and capacity development. There are several ways in which these well-established processes can be used to support the recommendations of the Report.

The institutional audits monitor a range of activities and processes within institutions. The process, which includes reviews of documents and interviews with a wide range of stakeholders at each institution, provides a unique opportunity to monitor and understand institutional culture – something that is difficult to monitor in other ways. The HEQC is nearing the end of the first cycle of institutional audits and is planning for the second cycle. This presents an opportunity to consider how progress towards transformational goals that have been identified as of national importance, can be included in the processes to be set up for the second round of institutional audits.

The Quality Promotion and Capacity Development (QPCD) directorate of the HEQC works with institutions, students and professional councils to encourage a culture of quality and build capacity. They also train auditors and evaluators. These activities can support the implementation of the recommendations of the Report. In particular, the directorate is running a project to encourage student participation in quality that will address some of the recommendations around student leadership.

If resources are available, the HEQC plans to revive the National Reviews directorate which could provide a means of supporting the concerns raised in the report about curriculum and curriculum reform.

## Recommendations about funding and infrastructure

Five of the recommendations in the report relate to the funding of the sector and infrastructure development at a national level. These include recommendation 2.1, that funds be earmarked for staff development; recommendation 2.2, that funding for staff development posts be competitive; recommendation 3.2, that a portion of the earmarked funds for academic development be allocated to support curriculum development initiatives at an institutional and system-wide level; recommendation 4.1, that the Ministry leverage additional resources to facilitate access to, and the success of, financially disadvantaged students; and recommendation 4.2, that additional residences be constructed.

The CHE has commissioned research that examines funding of higher education (Steyn & de Villiers. 2007; Steyn & de Villiers. 2006) and the CHE has a permanent standing committee, the Higher Education Funding and Infrastructure Committee (HEFI committee) that deals specifically with advice on these matters. This committee includes members with specialist expertise in funding and infrastructure. Following the consultative conference in October 2009, as well as other discussions throughout the sector that centre on supporting diversification in the sector, there is an emerging view that the funding instrument needs to be sharpened to cater differently for different clusters of institutions (Council on Higher Education. 2009; Council on Higher Education. 2006). The HEFI committee, supported by the Advice and Monitoring directorate, are planning to work on detailed advice to this effect during the coming year. In the context of this work, it would be appropriate for the committee to also look at these four recommendations from the Report and to assess how they can be accommodated in their funding recommendations.

## 5. General and governance recommendations

The Report found that “the institutional understanding and interpretation of transformation, discrimination and social cohesion is broadly consistent with the White Paper” (p. 39) and that these understandings include three elements. These are “policy and regulatory compliance; epistemological change, at the centre of which is the curriculum; and institutional culture and the need for social inclusion” (p. 36). Institutions are well on the way to effecting transformation in the sense of compliance, and that “by and large there is a comprehensive menu of policies in place dealing with transformation-related issues” (p. 39). There is, however, concern about policy implementation and the larger questions of transforming curricula and institutional culture.

The Report recommends the establishment of “a permanent oversight committee to monitor transformation of higher education” (1.2). The Department of Higher Education and Training (DHET) have indicated that they will be setting up a Task Team to monitor transformation in line with this recommendation and that they would like the CHE’s work to complement the work of this Task Team. In particular, they feel that the CHE could play a useful role in monitoring progress towards transformation.

The CHE concurs that it could monitor progress towards transformation at a systemic level and at an institutional level through the work of the HEQC. Such monitoring would be in line with the current practice of institutional audits in which “the transformational role that institutions are required to play within the national higher education agenda is of key importance” (Higher Education Quality Committee. 2007). The CHE has requested that a CHE representative be included in this Task Team to facilitate working in a complementary fashion, and would like to note that the effectiveness of

this Task Team will depend on its terms of reference and the resources (money, people, information) it has at its disposal.

The Report recommends the development of three transformation instruments by each institution. The first is a *transformation compact* between the institution and the DHET (1.1), the second is a *transformation framework*, including indicators and targets, to be used as the basis of the vice-chancellor's performance contract (11.1) and the third is a *transformation charter* to "serve as a guideline and an accounting instrument for change applicable to everybody who forms part of an institution" (11.2).

The development of these instruments and progress towards targets can be monitored through the work of the HEQC and through the CHE's monitoring framework. However a further aspect which the CHE would like to monitor, is the effectiveness of these instruments in addressing transformation. The fact that the University of the Free State has an exemplary institutional charter (p. 36), and that this charter was in place when the Reitz incident happened at that university, suggests that such instruments are not sufficient to transform deeply ingrained social practices within higher education institutions.

Recommendations to the Minister about governance include the review of the size and composition of university councils (6.1), the training of council members (6.3) and the strengthening of institutional forums (6.2). The CHE has published studies of and recommendations for improving higher education governance (Council on Higher Education Governance Task Team. 2002; Hall, Symes, & Luescher. 2002).

The Report recommends that the right of students to organize along political lines be reinstated at those institutions where it has been taken away (11.3). Political freedom and the active engagement of students with national politics is desirable and the CHE fully supports the right of students to engage in political activities. However, having student representative councils organized along party political lines has been divisive on many campuses. In some cases, political activities on campuses have been extremely disruptive of the academic programmes and have required costly interventions to control. Encouraging political engagement among students needs to take place alongside a critical engagement with and development of student leaders who will act responsibly and in the interests of students and the academic programme. In this regard, the work of QPCD in developing student participation in quality could contribute. A review of student governance structures and their effectiveness would also appear desirable.

The Report recommends that each institution establish an Office of the Ombudsperson. Such an arrangement was observed during the institutional audit of the University of Stellenbosch and was operating successfully. The implementation of such offices at other institutions and their use by students can be monitored as part of the CHE monitoring framework and in the institutional audits.

## **6. Staff development recommendations**

The report highlights the different experiences of black and white staff at universities. Black staff feel excluded and experience pervasive "racial discrimination and harassment" (p. 58), while white staff at universities "are optimistic about the state of transformation" (p. 59).

The Report makes two recommendations to the Minister aimed at improving the funding for staff development posts (2.1 and 2.2). As discussed above, these recommendations will be supported by the work of the Higher Education Funding and Infrastructure Committee.

The report makes several recommendations aimed at increasing the number of black staff in institutions and improving the experiences and promotion prospects of black staff members. These include recommendations that programmes aimed at black and female postgraduate students should be linked to the creation of posts (7.1); that institutions find additional sources of funds to support and mentor staff members upon their entry into academia (7.2); that institutions structure support packages for young black and female academics that are competitive with salaries for entry-level professional posts in the public sector (7.3); that institutions take steps to educate and discipline students who are found to behave in a racist way to members of staff (7.4); that institutions be required to put in place clear, transparent and transformation-supporting guidelines pertaining to promotion (7.5); that institutions develop clear and transparent policies for the appointment of retired staff members in supernumerary and contract posts (7.6); that vice-chancellors be held directly accountable for achieving employment equity targets and that an employment equity sub-committee be established to monitor progress towards equity targets (7.7); and that review protocols be implemented for selection panels (7.8).

Staffing of higher education has been identified as one of the critical issues that the CHE will focus on during 2010. Our concerns are to understand both the supply of staff to the sector and the quality of staff in the sector. Developing monitoring indicators for staffing will be a priority within the monitoring framework. Work has already begun on collecting research that relates to staffing in higher education and a survey of staff, investigating what attracts them to academic work, their experience and qualifications, and their work experience is planned for 2010.

Institutional audits currently examine the progress by institutions towards equity targets. There has been less emphasis on the processes that underlie appointments and promotions, but, if these are considered to be national priorities, they can be included for more targeted focus in the second cycle of audits.

In the context of our research and institutional audits, the CHE can identify and make known good practices in the sector as far as employment practices are concerned. However, the attractiveness of institutions as places of work is also a function of the institutional culture and the activities that support the transformation of the institutional culture, such as those identified on pages 51 and 52 of the report, need also to be identified and encouraged in the sector. The CHE has contributed research towards the understanding of institutional culture (Higgins. 2007) and will continue to do so.

## **7. Student learning and achievement recommendations**

The Committee found that both structural factors and institutional factors impact on the academic success of students. Black students coming to university from poor educational backgrounds struggle to catch up and programmes designed to assist them are perceived as reinforcing a deficit model of students. The institutional culture at some institutions remains white and black students feel excluded from opportunities and from academic success. There are also complaints of racism from white students. The Report paints a picture of student bodies divided along racial lines (p. 71).

The Report recommends that the Minister earmark funds for academic development and to support curriculum development (3.2). As discussed above, these recommendations will be supported by the work of the HEFI committee.

Recommendation 3.1 concerns the CHE's ongoing work into the feasibility and desirability of a four-year general Bachelor's degree. In addition, the Report recommends that universities devise approaches that will improve throughput rates of students (8.1) and set transparent guidelines for the selection of students into academic development programmes (8.2). These as well as other recommendations made in the Report, will be addressed as part of our investigations into the undergraduate curriculum.

The CHE has undertaken a number of research projects that inform our understanding of the challenges of student achievement and can be used to inform the implementation of these recommendations. An investigation into Institutional Culture, Throughput and Retention examined the experiences of senior students across three institutions and how they related to success (Cross, Jansen, Ravjee, Shalem, Backhouse, & Adam. 2009). A meta-analysis of the teaching and learning section of the institutional audit reports has been completed. An investigation into the Law Curriculum, that examines the results of the change from the 5-year postgraduate LLB to the four-year undergraduate LLB is also underway.

In addition, the CHE has commissioned research into student engagement that informs both the matter of student achievement and other concerns about student experience. Student engagement looks at both what students do and what institutions do to induce students to do the right things. The notion of student engagement is supported by an extensive research literature which shows that "the time and energy students devote to educationally purposeful activities is the single best predictor of their learning and personal development" (Kuh, Kinzie, Schuh, & Whitt. 2005). The value of this research lies in the wealth of data that becomes available to diagnose problems and design interventions to improve student success. Importantly, for our present concern with discrimination and social cohesion, it allows us to assess the extent to which students interact with people of other races (both staff and students) and the extent to which institutions are supportive of all students. The study is being piloted at seven institutions and, if expanded to other institutions, has the potential to become an important element of monitoring discrimination and transformation in our universities.

The Report recommends that institutions sensitize staff to the needs of students from diverse backgrounds (8.3); take serious steps to both protect and promote the interests of women (8.4); review their orientation programmes to ensure their appropriateness in addressing issues of inclusivity and diversity (8.5); and give attention to supporting the learning needs of students with disabilities (8.6). The CHE has already contributed research to these issues (Howell. 2005). The research described above will further contribute to our understanding and the steps that institutions take in response to these recommendations can be monitored through the CHE monitoring work and through the institutional audits.

The Committee notes in the Report that information about discrimination on the grounds of gender and disability were muted, but that, given "the endemic rape and sexual harassment in South African society" it is unlikely that sexism and sexual harassment are not happening on campuses (p. 46). This is in line with the CHE's understanding of the sector. The recommendation that institutions take serious steps to both protect and promote the interests of women (8.4), will be supported by the

CHE's ongoing work with the DHET, HESA and HERS-SA on a programme to monitor the position of women in higher education.

## 8. Student accommodation recommendations

The Report highlighted concerns with the integration of residences, with the allocation of students to residences, and to rooms within residences, and with the low participation of black students in residence governance structures. Discrimination is perceived not only between black and white students, but also between South African and foreign students. It unpacks some of the issues surrounding residence culture, particularly at the historically Afrikaans medium institutions, and, in a different form, at historically black institutions.

The Report recommends that the Ministry leverage "additional resources to facilitate access to, and the success of, financially disadvantaged students" (4.1) and "resources to enable the construction of additional residences" (4.2). As discussed above, the contribution that the CHE can make to these recommendations is through the work of the Higher Education Funding and Infrastructure Committee.

Recommendations to institutions in respect of residences include centralized placement processes that "will create the opportunities for students from different backgrounds to live together" (9.1); the monitoring of these placement processes (9.2); that the structure of, and election procedures for, residence committees be reviewed (9.3); that the governance structures be reviewed to ensure that "the power and authority that senior students have over junior students are removed" (9.4); and that all initiation ceremonies and activities be banned (9.5). Recommendations 9.6 and 9.7 relate to the selection and training of residence managers. Again, the steps that institutions take in response to these recommendations can be monitored through the CHE monitoring work and through the institutional audits.

There is a concern that the recommendations fail to take account of institutional culture and the views and prejudices which students bring from home. Ensuring that students from different backgrounds live together, while desirable, may not be the only or most effective way to address students' deeply-held beliefs about each other. Also mentioned in the report, but not addressed in the recommendations, are the elements of residence life, such as drinking and sexual harassment, that detract from creating an environment suited to learning. The CHE would like to see steps taken by institutions to address this behaviour and that progress in this regard is also monitored.

## 9. Recommendations relating to knowledge

### Language

The Report recognises the challenges associated with language and recommends that the Minister initiates "a broad review of the obstacles facing the implementation of effective language policies and practices, including a study of the application of equitable language policies and practices found in countries with similar social differences" (5.1) and that institutions should report on how they will give effect to their commitment to multilingualism, as part of their institutional planning (5.2).

The CHE submitted advice on language to the Minister in July 2001 (Council on Higher Education, 2001), although the advice may need revision in the light of new research. Research carried out by

the CHE highlights that the problem with language at institutions is both about the language of teaching and learning, and about the language of interaction on campuses (Cross, Jansen, Ravjee, Shalem, Backhouse, & Adam. 2009). Most of the institutions' language policies recognise this, and include steps to promote the use of multiple languages in communication on campuses as well as addressing policy on the language(s) of instruction. Progress towards the implementation of language policies should thus be monitored in both of these areas.

Although the report makes scant reference to it (on p.100), the experience of the HEQC and research carried out by the CHE indicates that the problem with language is not only about the privileged place of the 'white' languages of English and Afrikaans. The use of local 'black' languages in both administrative interactions and in the classroom excludes South Africans not familiar with them and foreign students. Thus the debate about language affects all universities.

Institutional audits currently monitor the languages in use on campuses, both for teaching and learning and for communication, although this has received greater attention on the historically Afrikaans medium campuses. The second cycle of audits can expand this to give language greater attention on all campuses.

### Curriculum reform

The report makes two specific recommendations about curriculum reform. The first is recommendation 10.1, that institutions review their curricula to assess their appropriateness and relevance in terms of the social, ethical, political and technical skills and competencies embedded in them, in the context of post-apartheid South Africa and its location in Africa and the world. And the second is recommendation 10.2, that institutions develop curriculum approaches that sensitize students to the place of, and the issues surrounding South Africa on the African continent and in the world at large.

The CHE agrees that there is a need to review curricula. However, an "overall macro review" of curricula, as is proposed, will unnecessarily strain the resources of universities and may jeopardize the teaching and learning work. Rather, the regular and ongoing review of curricula should be encouraged through the work of the HEQC. Embedding the practice of regular, ongoing curriculum review in institutions, will contribute to improved quality of courses in the long term and will ensure that curricula continue to be made more relevant over time. A once-off review might end in stagnant programmes.

The HEQC can contribute to monitoring progress towards reform in this area, by considering the relevance of the programme content in the light of social, ethical, political and skills competencies required in the local and regional contexts during programme accreditation and in national reviews. The HEQC will further contribute to curriculum reform by hosting a national Curriculum Conference to discuss the principles and parameters associated with university curricula.

The CHE is in the process of compiling advice on the matter of the four-year curriculum for the general undergraduate degrees. The intention in this process is to facilitate different kinds of learning and breadth of learning, rather than to add curriculum content, but including work that specifically locates South Africa within the region and the world has been discussed as a potential part of these reforms.

## 10. Conclusion

The findings of the Report do not come as any surprise to the CHE and are consistent with our experience of working with the higher education sector.

The report makes it clear that there are differences across the sector – in the ways in which institutions engage with the matter of discrimination, in the quality of their submissions to the Committee; in the ways in which they prepared their responses; in the ways in which they interacted with the Committee; and in the policies and processes that they have in place to address discrimination. This variety is one of the challenges facing the sector and a focus of ongoing discussions about how best to support institutions. This reinforces the view of the CHE that differentiated ways of supporting the sector, including differentiated steering mechanisms and differentiated monitoring systems need to be put in place.

To a large extent, we support the recommendations suggested by the Committee, although in some areas, we are not convinced that the steps proposed are the most effective ways to address the problems. Within the planned work of the various directorates of the CHE and the HEQC, there are opportunities to complement the work of the DHET and the institutions towards implementing these recommendations. In particular, the CHE and the HEQC can play a significant role in monitoring progress towards transformation through the monitoring activities and the institutional audits.

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