This Handbook, the first of its kind in the South African higher education context, is a collective effort of nine university Registrars and their colleagues within the public university sector, and includes contributions from a few external stakeholders, such as from within the Department of Higher Education and Training (DHET), and Universities South Africa (USA).

The Handbook contextualises and provides a pathway to navigate the role of the university Registrar and the Registrar's Division in relation to governance, academic administration, legal, as well as administrative responsibilities, amongst other areas, within universities. It explores and relays these functions and responsibilities in a functional and easy-to-read manner. It situates the Registrar within the various roles performed, expanding on the importance of these roles, and provides direction, advice and useful guidelines in ensuring the effective functioning of the Registrar’s Division.

The Handbook is only meant to be used as a resource tool. It is a living document which will periodically be updated electronically, and is also available on the USAI website.

“Corporate Governance and Executive Management in institutions of higher education are only as effective as the people who lead both Council and the Administration. They set the tone and can build or break our universities. Registrars are the glue that bind the two centres of power in the machinery and keep us honest and on track. The compilation of this handbook by a team of accomplished registrars in our HEIs, is most welcome and will hopefully serve as a much-needed tool to enhance the oversight function of our Councils and the management of our institutions.”

Ambassador Nozizwe January-Bardill (Chairperson of Council: NMU)

“A Registrar’s Handbook is a valuable addition to higher education literature, particularly for setting out the position and responsibilities of one of the key administrators in South African higher education. Dr Nita Lawton-Misra is commended for assembling expert contributors who provide clarity and context on the Registrar’s role in the university sector. The timing of this Handbook is impeccable! It comes at a time when poor governance has resulted in many organisations crumbling to the ground. This Handbook is an excellent resource for not only university Registrars, but for university management and other governance structures, too. It is a great reminder of the fragility of oversight bodies, and of how important ethical leadership is for the success of universities”.

Prof Tyrone R. Pretorius (Rector and Vice-Chancellor: UWC)
DISCLAIMER

All the information in this guideline/resource tool is published in good faith and for general information purposes, with the intention to inform and advise. This resource tool has no legislative standing nor is it a book of rules, directives or policies. No warranties are made about the completeness, reliability and applicability of the information to any specific statutory scenario and every matter should be considered on its own merits.

Any action taken upon full reliance on the information found in this document, is taken strictly at the risk of the reader and the authors expressly disclaim all liability. The authors shall not be liable for any losses and/or damages in connection with the use of the information by the reader. The views and advice expressed herein are those of the individual authors based on personal experiences and written in their individual capacities and are not necessarily those of their respective employers or the editors/publishers.
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Preface

In the South African context, the position of the University Registrar at a university is central to governance and academic administration. While academic administration deals with the life-cycle of a student from recruitment to graduation, these functions are conducted in collaboration with faculties and various other administrative departments. The governance portfolio is key to the ethical functioning of the institution and the Registrar’s role is at the core of this function. The Registrar forms an important part of the triad — the Vice-Chancellor, Chairperson of Council and Registrar — which has to oversee and ensure that proper governance is maintained at all levels of the organisation. Navigating the relationship between the Vice-Chancellor and the Chairperson of Council includes advising each party, as well as the collective body (Council) on acceptable practices, policies (both internal and external), and behaviours. This requires the Registrar to be fully equipped with the requisite skills, competencies and knowledge to ensure good governance practises which uphold the integrity of the institution. This alleviates the risk of institutions falling into disrepute — a massive responsibility.

It was against this backdrop that the idea of A Registrar’s Handbook (the Handbook) was conceptualised. It is a recognition of the absence of a formal (or informal) capacity development and training programme for university Registrars. The Handbook aims at bridging the gap to prepare persons for the complex role as defined at South African universities.

When the idea was first conceptualised, a call went out to all South African public university Registrars to contribute to a handbook — a living document that will evolve as the sector evolves. It is a product of nine current (2022) university Registrars and their colleagues, with contributions from a few external stakeholders whose areas of expertise have enriched the content. The authors have spent many hours meeting, debating, discussing, amending, and developing their chapters with the understanding that the reader will be guided by the written word. It must be understood that there may be variances among institutions — the Registrar’s portfolio at each institution may differ, and the nomenclature of committees or reporting avenues may not be identical — however, the principles will remain constant. The authors wish to caution readers from using the Handbook as a prescriptive document, but rather encourage readers to consider it as guidelines to better understanding the various tasks and responsibilities in a highly dynamic environment.

It is our fervent wish that this Handbook will offer you, the reader, some guidance and direction when you are feeling lost, possibly overwhelmed, and alone. It is, in some instances, accompanied by examples of processes and documents from a few
universities to assist you as you establish yourself in your positions, and is available in both hard and e-copy formats. We hope that you find this Handbook useful and that you continue to contribute to it as the higher education environment evolves.

Acknowledgements

We are grateful to the following individuals who willingly shared their experiences and expertise by contributing to this Handbook — your collective wisdom and generosity of spirit will long be remembered as the foundation of this initiative.

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Acronyms and abbreviations

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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACU</td>
<td>Association of Commonwealth Universities</td>
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<tr>
<td>AGSA</td>
<td>The Auditor-General of South Africa</td>
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<td>AI</td>
<td>Artificial Intelligence</td>
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<td>ASSAf</td>
<td>Academy of Science of South Africa</td>
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<td>B-BBEE</td>
<td>Broad-Based Black Economic Empowerment</td>
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<td>BTFs</td>
<td>Broad Transformation Forums</td>
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<td>CAA</td>
<td>Central Academic Administration</td>
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<td>CEO</td>
<td>Chief Executive Officer</td>
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<td>CERN</td>
<td>The European Organisation for Nuclear Research</td>
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<td>CESM</td>
<td>Classification of Educational Subject Matter</td>
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<td>CFA</td>
<td>Certified Fraud Examiner</td>
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<td>CHE</td>
<td>Council on Higher Education</td>
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<td>DALRRD</td>
<td>The Department of Agriculture, Land Reform and Rural Development</td>
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<td>DHEN</td>
<td>Daily Higher Education News</td>
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<td>DHET</td>
<td>Department of Higher Education and Training</td>
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<td>DIRCO</td>
<td>Department of International Relations and Cooperation</td>
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<td>DOEL</td>
<td>Department of Employment and Labour</td>
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<td>DSI</td>
<td>Department of Science and Innovation</td>
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<tr>
<td>dti</td>
<td>Department of technology and innovation</td>
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<td>DTIC</td>
<td>Department of Trade, Industry and Competition</td>
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<td>DVC</td>
<td>Deputy Vice-Chancellor</td>
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<td>ED</td>
<td>Executive Director</td>
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<td>EDHE</td>
<td>Entrepreneurship Development in Higher Education</td>
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<td>EDRMS</td>
<td>Electronic Documents and Records Management System</td>
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<td>ETDP SETA</td>
<td>Education Training and Development Practices Sector Education Training Authority</td>
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<td>FET</td>
<td>Further Education and Training Colleges</td>
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<td>FSG</td>
<td>Funding Strategy Group</td>
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<td>Acronym</td>
<td>Description</td>
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<tr>
<td>FTE</td>
<td>Full-time equivalent</td>
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<td>HAI</td>
<td>Historically advantaged institutions</td>
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<td>HBU</td>
<td>Historically Black Universities</td>
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<td>HDI</td>
<td>Historically disadvantaged institutions</td>
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<td>HEADS</td>
<td>Higher Education Access and Development Services</td>
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<td>Higher Education Data Analyser</td>
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<td>Higher education institutions</td>
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<td>HELM</td>
<td>Higher Education Leadership and Management Programme</td>
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<td>HEMIS</td>
<td>Higher Education Management Information System</td>
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<td>HEQC</td>
<td>Higher Education Quality Committee</td>
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<td>Higher Education Qualification Framework</td>
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<td>HEQSF</td>
<td>Higher Education Qualifications Sub-Framework</td>
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<td>ICT</td>
<td>Information and Communication Technology</td>
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<td>IF</td>
<td>Institutional Forum</td>
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<td>IP</td>
<td>Intellectual Property</td>
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<tr>
<td>ITS / SIS</td>
<td>Integrated Tertiary System or Student Information System</td>
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<td>MIS</td>
<td>Management Information Systems</td>
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<td>MTEF</td>
<td>Medium-term expenditure framework</td>
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<td>MTSF</td>
<td>Medium-term strategic framework</td>
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<td>NA</td>
<td>National Assembly</td>
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<td>NCHE</td>
<td>National Commission on Higher Education</td>
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<td>NCoP</td>
<td>National Council of Provinces</td>
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<td>NDOH</td>
<td>National Department of Health</td>
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<td>NESP</td>
<td>Nurturing Emerging Scholars Programme</td>
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<td>nGAP</td>
<td>Next Generation of Academics Programme</td>
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<td>NHLS</td>
<td>National Health Laboratory Services</td>
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<td>NLRD</td>
<td>National Learners’ Records Database</td>
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<td>NRF</td>
<td>National Research Foundation</td>
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<td>National Senior Certificate</td>
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<td>NSFAS</td>
<td>National Student Financial Aid Scheme</td>
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<td>OHS Act</td>
<td>Occupational Health and Safety Act No. 85 Of 1993</td>
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<td>PAIA</td>
<td>The Promotion of Access to Information Act</td>
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<td>PAJA</td>
<td>The Promotion of Administrative Justice Act</td>
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<td>PCHECSI</td>
<td>The Portfolio Committee on Higher Education, Science and Innovation</td>
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<td>Acronym</td>
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<td>PEPUDA</td>
<td>Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000</td>
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<td>PHEI</td>
<td>Public Higher Education Institutions</td>
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<td>POPIA</td>
<td>The Protection of Personal Information Act</td>
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<td>PPPFA</td>
<td>Preferential Procurement Framework Act, 2002 (Act No.5 of 2000)</td>
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<td>PQM</td>
<td>Programme and Qualification Mix</td>
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<td>PurcoSA</td>
<td>Purchasing Consortium of South Africa</td>
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<td>PWG</td>
<td>Programme Working Group</td>
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<td>QCTO</td>
<td>The Quality Council for Trades and Occupations</td>
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<td>RMT</td>
<td>Rector’s Management Team</td>
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<td>RPL</td>
<td>Recognition for Prior Learning</td>
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<td>SAICA</td>
<td>South African Institute of Chartered Accountants</td>
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<td>SALDRU</td>
<td>South Africa Labour and Development Research Unit</td>
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<td>SAMRC</td>
<td>South African Medical Research Council</td>
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<td>SAPSE</td>
<td>South African Post-Secondary Education</td>
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<td>SAQA</td>
<td>South African Qualifications Authority</td>
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<td>SARChI</td>
<td>South African Research Chairs Initiative</td>
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<td>SASSE</td>
<td>South African Survey of Student Engagement</td>
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<td>SAUS</td>
<td>South African Union of Students</td>
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<td>SEC</td>
<td>Student Enrolment Centre</td>
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<td>SETAs</td>
<td>Sector Education Training Authorities</td>
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<td>SLA</td>
<td>Service Level Agreement</td>
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<td>Short Learning Programme</td>
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<td>SRC</td>
<td>Student’s Representative Council</td>
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<td>SSAUF</td>
<td>Staffing South Africa’s Universities Framework</td>
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<td>STI</td>
<td>Science, technology and innovation</td>
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<td>THRIP</td>
<td>Technology and Human Resource for Industry Programme</td>
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<td>TVET</td>
<td>Technical and Vocational Education and Training</td>
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<td>USAf</td>
<td>Universities South Africa</td>
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<td>UTC</td>
<td>University Timetable Committee</td>
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<td>VC</td>
<td>Vice-Chancellor</td>
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<td>WIL</td>
<td>Work Integrated Learning</td>
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<td>WRC</td>
<td>Water Research Commission</td>
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<td>World of Work Strategy Group</td>
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Foreword: Universities in a Season of Storms – Building the Core

Professor Ahmed Bawa
CEO: USAf

Constantly buffeted by storms of one kind or the other, universities must have cores that are simultaneously strong and pliable, with myriad parts constantly speaking to each other; like tall buildings that must continuously weather enormous forces. In societies such as ours that are characterised by enormous levels of inequality and poverty, where the economy has been stagnant for more than a decade and where the social fabric is being stretched to breaking point, institutions of higher learning are, understandably, constant terrains of contestation because they are seen to be critical to addressing these and other challenges.

Complex, multilayered democracies require institutions of higher learning for their well-being. They are created, fostered and sustained by society. They are social institutions of a special kind. They are knowledge-intensive social institutions, but unlike others, like the CSIR or the HSRC or CERN in Geneva, they have students. This gives them a special mandate, a special purpose, that of producing new generations of engaged citizens and intellectuals and professionals of all kinds.

Global Context
Challenges facing higher education systems are often tuned to the sociopolitical and economic contexts in which they find themselves (and we shall return to some of these in the South African context) but there are also challenges that may be regarded as affecting universities globally. What are some of these?

The impact of geopolitics and the geopolitics of knowledge on higher education is likely to be of great significance in the future. The tensions between the USA and China, the continuing invasion of Ukraine by Russia and Brexit, amongst others, are likely to shape the way in which the global higher education system evolves and will shift the ways in which our higher education navigates these terrains. Why is this important? Global warming and other grand challenges facing humanity are global in scale for which the development of a global commons of scholars and scholarship is fundamentally required. Universities, among all the other roles they play, are bridges between societies, bridges that allow for the free flow of scholars, students, ideas, knowledge, information, etc. The geopolitical shifts occurring in the world threaten the emergence of creative networks that bring together scholars and knowledge traditions to bear on these grand challenges. Universities are bridges between societies that allow for the free flow of scholars,
Universities are bridges between societies.

students, ideas, information and knowledge. It would be disastrous to our attempts as human beings to address the grand challenges facing us if this role of universities is closed down.

As we saw with the presidential election in the USA in 2020 and the many reversals in recent times on our continent, it appears that new stresses are being brought to bear on the state of democracies around the world. Linked to this is the growing distrust in experts, which has direct bearing on the core functions of the universities. As humanity navigates its tortuous journey through the CoViD-19 pandemic, we witness disturbing trends at the highest levels of government of what appears to an inexorable slide into forms of anti-intellectualism. Disturbingly, and with the aid of social media, this phenomenon is seen more generally in society. We have to ask: what are the implications of this for universities?

Higher education systems around the world are grappling with understanding how to address the vast shifts taking place in the labour market due to emerging production systems tied to the new technology moment we are in: the expansive explosion in the power of digital technologies, the burgeoning impact of materials sciences, and the power of new genomics platforms. Universities will have grapple more seriously with new forms of credentialing, lifelong learning, explorations of learning at the theory-praxis nexus, developing new forms of partnerships between employers and universities. These are all on the cards.

National Context
Embedded as they are in sociopolitical and economic environments, South Africa’s universities experience particular challenges. Our universities were not created on a blank slate in 1994. They are captured in narratives that hark back into history and that influence new narratives. Some challenges we face have resulted in them experiencing instability, unrest and violence over the last 20 years. Some have managed to weather these storms while others have slid from crisis to crisis. It is acknowledged that their role in national development and in addressing the challenges of building a more equitable, socially just society is too vital to allow them to slide into dysfunction. In this context, it is important to understand how to ensure that the cores of these important social institutions are designed to allow them to weather these storms and to shift from conditions of crisis to having the structural competence to address different kinds of pressures.

Funding is always a place of stress for our universities. The subsidy per full time equivalent (FTE) has remained largely flat over the last two decades. And the 2022-2023 allocations show an increase of just 0.9%, way below the rate of inflation. Much lower than most other comparable societies, as a percentage of GDP, the subsidy to universities is no more than 0.67%, the same level it was at in 2015. In addition, more recent changes
are likely to increase the sustainability challenge facing our universities. The regulation of tuition fees (already a de facto situation) is likely to add fiscal strain. The decline in the National Research Foundation (NRF) funding has implications for the research activities and productivity. Perhaps of greatest significance is the steady decline over the last ten years in private sector funding on research and development (R&D) compared to public sector funding. This has enormous consequences for the demand side of the equation for university-based research and innovation.

The governance systems within which institutions of higher learning operate are also complex. Vice-Chancellors are chief executive officers of a special kind. So much may be written about this. They are the executive leaders and reporting officers, but they are also servants of the academic enterprise. They chair the senates of universities but have very curtailed powers in terms of the academic governance of institutions. They report to the council of their university which, notwithstanding the fact that they are public institutions, are independent. They bear the responsibility of ensuring their fiduciary integrity — to ensure that they account fully and satisfactorily for their use of public resources, whether through state funding, tuition fees or other forms of funding. They must satisfy society that they are performing their mandated roles.

Other parts of the governance system are the senate and faculty boards at the heart of the academic enterprise and they assume the responsibility, among others, for the academic integrity of the institutions; their research enterprises; their teaching programmes they offer; and the qualifications they bestow upon graduating students. At the same time, the institutions are expected to ensure that they produce graduates who are sensitive to the grand challenges facing our society, that they are given the opportunity to develop as engaged citizens and that their social, emotional and intellectual development are catered for. These are no mean requirements. Furthermore, institutional autonomy and academic freedom are threads that run through the fabric of governance.

In addition to this is the layer of statutory bodies — CHE, SAQA, AG-SA, QCTO, NSFAS and others — that all impact the functioning of universities. Government departments — primarily DHET but also DSI, NDoH, DTIC, and others — also have direct influence. These and other strands of governance not only interact within and with the universities, but also with each other, producing a merry mix of intersecting strands of governance — a sure recipe for vast complexity.

As was mentioned previously, the influence of the new digital technology movement on the labour market has enormous consequences for institutions of higher learning. There are numerous attempts to understand this better and to shape responses in terms of curriculum shifts and possibly new forms of academic credentialing. But what are the implications for operationalising the core functions of universities? The impact of new
technology on research, teaching and learning, and administration are advanced, though there is much yet to be explored and exploited. This pertains mainly to areas of administration — human resources, student administration, academic administration in all its forms, sports administration, to name a few — that would help to improve the functioning of our universities and the quality of the experience of students and staff.

Perhaps the most important challenge we face is to enhance the social ownership of our institutions, to understand how best to strengthen the myriad connections between universities and society. The future sustainability of the higher education system depends on this partnership and addressing it simply through a communication strategy is not enough. Ownership must find representation in the deliberate design of the knowledge project of universities and the commitment to address the creation of effective porous borders.

Clearly, the key challenge faced by our universities is the continuous potential for instability, whether by staff or student activism. On the student front, there continues to be deeply systemic issues that must be addressed. The student funding challenge is central and is impacted by two major issues: the sustainability of the DHET bursary system, which has had a powerful impact on so many young South Africans and their families, and our failure to produce a system for the funding of ‘missing-middle’ students. More importantly, it is imperative that we redesign our institutions around our students, to increase the capacity of our institutions to the project of maximising their social, emotional and intellectual development.

The Centrality of the Registrar’s Office in constructing the core

Universities are complex institutions. They need lots of integration and gentle nudging. They perform best in terms of their core functions when they are in a state of unstable stability. At the centre of all universities is the position and role of the Registrar, and the Registrar’s Office, a centre with the potential to galvanise much stability, innovation and integration. They are central to institutional governance and are the custodians of institutional policies and procedures. In terms of the complexity of universities and that of the environments in which they find themselves, this potentially integrative centre is critically important in creating the capacity, not only to weather storms but to emerge from them with greater resilience and innovation. This requires serious engagement in designing programmes that enhance this integrative role of Registrars and to understand better how strong, pliant cores might emerge and might prevent the slide into chaos. In this regard, the Handbook is vitally important in opening up ways of engagement that may help us to reimagine the role of Registrars under conditions of complexity and crisis.
Chapter One: Introduction and background

Professor Themba Mosia

When the Higher Education Act (Act 101) of 1997 (HEA) and its subsequent Amendments were promulgated, the higher education sector was pleased about a single, coordinated system that would take universities to the next level of the process for the restructuring of higher education. The start of the journey was an exciting one. In the same vein, there were a number of hurdles that needed to be overcome from what was a fragmented system, characterised by racial classification and uneven distribution of resources for universities, among others. The intense consultations leading to the passing of the HEA emanated from the National Commission on Higher Education (NCHE) Report (1996) followed by the White Paper 3: A Programme for the Transformation of Higher Education (1997).

The three documents mentioned above were among the first that shaped the governance of universities as we see it today. University governance in South Africa before the passing of the Higher Education Act was mired in state control and fragmentation, especially with the Historically Black Universities (HBUs) that were confined to the homelands and the so-called “independent” nation states. In 2000, the Council on Higher Education (CHE) released a Report titled: “Towards a New Higher Education Landscape: Meeting the Equity, Quality and Social Development Imperatives of South Africa in the 21st Century”. In response to this report, the National Plan for Higher Education (2001) became a policy document that framed the steering mechanisms of planning, quality and resource allocation for many years. The size and shape for the restructuring of universities gained traction.

At an institutional level, the HEA empowered Councils of universities to write Institutional Statutes that would streamline governance and management arrangements at each university. It further repealed what used to be known as the “Private Acts” for universities and the Joint Statutes except provisions on the Matriculation Board (transitional arrangements) that took many years to disentangle. The dissolution of the Committee of University Principals (CUP) that had statutory powers, and was housed at UNISA for many years, also became the casualty of the transformation of higher education in South Africa. The path for universities to establish representative Councils, Senates, Institutional Forums and SRCs became clear from December 1997.

University Governance

Councils are the apex governing bodies at universities. Councils are juristic persons at each university in South Africa. They are responsible for the stability, strategic direction, financial health and a positive public image of the university. Senate is responsible for academic governance as it oversees functions that give effect to the core business of
teaching and learning, research and innovation, as well as engaging our communities.

Another governance structure stipulated in the HEA is the Students’ Representative Council (SRC). The scope of governance for the SRC is on student matters, but also a representative body in other governance structures and committees of the university. The SRC can form its own committees and societies/structures as stipulated in the Constitution for student governance within the ambit of the Statute of the university. Council has the authority to approve the SRC Constitution, including amendments that may arise from time to time.

Although the Institutional Forum (IF) has an advisory role to Council in areas identified by the Act and an Institutional Statute, it is one of the governance structures of a university. There have been rumblings about the effectiveness of the IFs in some institutions for some time, but they continue to fulfil an important role as a body that brings all campus stakeholders together to engage on a range of transformational markers for institutions.

Institutional Governance Structures and their relationship

Figure 1 is an illustration of the university governance structures and their relationships. The success and effectiveness of the governing Council depends on healthy relationships with other governance structures (Senate, Institutional Forum, Students’ Representative Council). Prior to the promulgation of the HEA, university Councils were destabilised by what appeared to be two centres of power on many campuses. As a result of wider and intense campus consultations in the mid-90s, the Broad Transformation Forums (BTFs) were formed at all the thirty-six institutions of higher learning at the time. This was prior to the mergers and incorporations that ensued in less than a decade later. Since transformation was so topical after

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1 Prior to the restructuring process, there were thirty-six institutions of higher learning comprising universities and Technikons in South Africa.
the dawn of democracy, there were also opportunistic elements that undermined the authority of Councils. The Minister of Education at the time, Prof Sibusiso Bengu had to draw the line. Firstly, he asserted the authority of Council as the ultimate decision-making body in a university in the Act. Secondly, he renamed the BTF as the IF and defined its scope and composition in the Act. This eased the tensions somewhat, until institutional stakeholders themselves found ways of working together to stabilise the academic enterprise.

The relationship between Council and the Institutional Forum is usually a cordial one. University Councils have a duty and obligation to consult the Institutional Forums in a proactive and helpful manner that should enhance good governance. Given the scope of work for the IF, Councils of universities are expected to consider the advice on matters such as the institutional culture, appointments into senior positions, race and gender issues and dynamics, codes of conduct, etc.

The role of Senate and its relationship with Council

Academic senates are generally considered to be the normative organisational structure through which faculty members exercise their role in university governance at an institutional level (Birnbaum, 1988:1). Although academic members constitute the majority, the HEA expanded the membership of Senate to include other campus stakeholders, e.g. students, professional services staff, members of Council, etc. Senate is the highest decision-making body on academic matters. It is accountable to Council for the manner in which it advances the strategic direction of the core business of teaching and learning, research and community engagement. Altbach and Berdhal (1981:261) argue that the professoriate stands at the centre of any academic institution and in a way is insulated from indirect interaction with many of higher education's external constituencies... [however], it is essential to note that these external forces have a direct effect on the academic profession.

In the South African context, the White Paper 3 par. 1.21 (1997: 7) expects Senate, in its pursuit of the principle of ‘quality’ to maintain and apply academic and educational standards, both in the sense of specific expectations and requirements that should be complied with, and in the sense of ideals of excellence that should be aimed at. These expectations may differ from context to context, depending on the specific purposes pursued. The role of Senate and its relationship with Council is underpinned by the principles of institutional autonomy and academic freedom. The latter is enshrined in the Bill of Rights (Chapter 2) of The Constitution of the Republic of South Africa.

The role of the Student Representative Council in university governance

At the outset, it should be clear that SRCs and Institutional Forums neither manage nor govern universities. The Act established the SRC to govern student matters through its Constitution. The SRC members have seats in Council, Senate and the IF. As members of
Council, their roles change insofar as the HEA expects all members of Council to act in the best interest of the university and not their respective constituencies. They form part of the 40% internal members of Council. Predominantly, students are expected by the higher education system to engage in academic activities and exit the system as positive role models. Our reality is that there are many difficult issues encountered by students that have a direct impact on their academic activities. For that reason, they engage on a myriad of issues that affect them, e.g. financial aid, poverty, mental health, hunger and food insecurity, housing, transportation, safety and security, among others. Their participation in various committees and governance structures enables them to raise these matters.

The relationship among the Chairperson of Council, the Vice-Chancellor and the Registrar

A healthy and professional relationship among the triumvirate of the Chair of Council, the Vice-Chancellor and Registrar is what makes universities function well. Similarly, many dysfunctionalities that are experienced in some university Councils signal unhealthy working relationships, or lack of coordination of the business of Council by these three offices. It is essential that these offices have a clear understanding of their respective roles vis-à-vis the role of a university in society. By way of reflection from some past experiences, the Registrar is the Secretary of both Council and Senate. It therefore follows that the Registrar ought to have direct access to the Chairperson of Council to handle Council matters. There are other exceptional circumstances where the Registrar and the Chairperson would need to plan certain items without the involvement of the Vice-Chancellor, e.g., the process for the re-appointment of the Vice-Chancellor where there is a direct conflict of interest. There are numerous other examples. There has been instances of lack of trust in the triumvirate that has led to suspensions or dissolutions of Councils and the discharge of the Vice-Chancellors from their duties. In a capacity development workshop I presented to Chairpersons and Deputy Chairpersons of Councils in 2017, I said,

Prudent leadership needs to understand the interplay between governance and leadership in a complex university setting. Leadership without good governance can lead to tyranny, fraud, corruption, and personal fiefdoms; and governance without leadership can lead to atrophy, over-bureaucratization, indifference, etc.

In my experience, a university does not have to be placed under administration to demonstrate that governance arrangements are not working well — it should be a matter of course for each member of Council to promote good governance and act in the best interests of the institution and society. A university is not a place of factional squabbles that keep paralysing the effective functioning of some Councils. Some universities appear

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2 University SRCs have formed a national representative body called the South African Union of Students (SAUS) that addresses matters affecting students in the higher education sector.
to be working well peripherally, but if you look deeper into the belly of the beast, poor governance is palpable due to tyranny, fear, rubber-stamping, corruption, indifference, and so on.

What are the expectations from members of Council?
The fiduciary duty for Council falls on all members. They need to demonstrate their duty of care by being faithful to the university and the public. At times, some members of Council act in their self-interests to advance business agendas that would benefit them and their associates outside the universities. The Code of Conduct for members, therefore, is of paramount importance in ensuring ethical behaviour.

The duty of loyalty falls on all members of Council. While there are members who are loyal to the university as they execute their responsibilities, there are also those who perform their duties in a questionable manner and not in the best interests of the university. Involvement of Council members in operational procurement matters is an example at some universities. Rosovsky (1990: 273) shares Seven Principles that ensures reliable performance in university governance. The Fifth Principle is “in universities, the quality of decisions is improved by consciously preventing conflict of interest”.

Fiduciary duty further imposes a ‘duty of obedience’ to all the legal prescripts governing the university and society, e.g. the Constitution, the Higher Education Act, the Statute and numerous other pieces of legislation in a democratic society. It is Council’s duty to ensure that there is compliance with policies and that administrators are held to account for transgressions. A list of the roles and responsibilities of Council members is quite exhaustive, save to say that it takes commitment, knowledge and skills, integrity and passion for the success of the higher education system. Among some, is the attendance of meetings, thorough preparation and meaningful participation in meetings. The quality of decision-making is underpinned by robust, professional and intellectual interactions in a structure that is entrusted with the governance of a university.

Conclusion
Although Senate may continue with its ‘normal business’, if the Chairperson of Senate and the secretary of Senate do not have the competencies to carry their duties with alacrity, university governance will face a risk of being dysfunctional. On a positive note, good governance improves the propensity for quality teaching and research in a self-respecting university. Good academic governance enables a vibrant academic culture that attracts talented academics and encourages internal ones to identify positively with their institution and stay longer than they would otherwise have.

Governance structures are a collective of individuals from different backgrounds, social orientations, skills, expertise and attributes. In a study undertaken for the Department of Higher Education and Training in 2017, “Guidelines for Good Governance and Practice"
and Governance Indicators for Councils of South African Public Higher Education Institutions” (Chapter 7), personal attributes and competencies for Council members are clearly enunciated, especially for the Chairperson and Deputy Chairperson, the Vice-Chancellor and the Secretary of Council. Unless individuals elected or appointed as Council members possess certain personal competencies to carry the complex task of governing a university, South African universities will remain vulnerable, and the net effect will be the perception that students have inferior qualifications from certain universities.
Chapter Two: The Role of the Registrar

In this section we look at the various roles the Registrar plays. These include, but are not limited to:

- The Statutory Role of a Registrar
- The Registrar as Leader
- The Registrar’s role in Governance and Risk Management
- The Registrar’s role in Records and Data Management

Why do universities have Registrars?
This important office originally dates back to 1446 where the term was first coined at Oxford University. At the time, the Registrar's tasks were “to give form and permanence to the universities public acts, to draft letters, to make copies if its documents and to register the names of its graduates and the examinator sermons” (Mallet, 1924, p 327).

What do university Registrars do?
The flippant and anecdotal answer is ‘everything’, but this does not do justice to the multiplicity and complexity of the role. While the functions and responsibilities may have evolved over the years, the term ‘Registrar’, broadly speaking, remains a university officer who comes nearest to fulfilling the traditional two main areas of responsibility for effective functioning of the:

1. University's governing and academic bodies, with all that this implies.
2. Administration of the university, with particular focus on, but not limited to, the life cycle of the student.

The role of the university Registrar (the Registrar) has been variously described as that of the keeper of the records, the benevolent bureaucrat, the conscience of the university, the senior civil servant and the like. The reality is that the role of Registrar includes all of this, and much more. This role has evolved, and will continue to evolve, in the context of a changing higher education landscape and for the role to remain relevant it must adapt to this evolving context. It is necessary therefore, as a point of departure, to reflect at a high-level on this changing higher education landscape to best position the role of the Registrar as it exists today.

What is the statutory role of the Registrar?
The obligations of the Registrar in the university's governance mechanism are outlined by the Higher Education Act 101 of 1997 (as amended) of South Africa. The prescribed roles require the Registrar to be secretary to the Council and its committees, Senate, Convocation and the Institutional forum.

The university's statute and institutional rules may identify further requirements. Registrars are expected to be fully conversant with the South African regulatory
framework, as well as their own institutional regulations, including a comprehensive understanding of the powers of the university.

A Registrar is a pivotal governance mechanism in universities (this is detailed further on in the chapter) and as secretary to Council (the highest decision-making body), the responsibility for ensuring overall good governance, is significant.

The Registrar as Leader

Leadership and management have distinctions which are not obvious, and in some cases these roles are interchangeable in application. It is necessary to clearly distinguish between leading and managing. Leadership is defined as the ability to inspire confidence and support those who are needed to achieve organisational goals, while management is responsible for achieving goals (Yang, 2016). The Registrar, as a leader, is essentially the driving force to achieving the collective vision and mission of the university. As a manager, the Registrar takes responsibility for creating goals and providing direction in response to operational needs. They must, however, guard against micro-managing those in their teams. Registrars must display trust, empower others, guide and create opportunities for growth and development among their subordinates.

A large part of the Registrar’s role requires him/her to be creative, innovative, and flexible to ensure efficient responses to challenges are provided. It also implies that a Registrar should be adaptive in his/her leadership style in order to respond to an ever-changing environment. Leading requires the Registrar to be alert to potential problems; have strong insights into and an understanding of the relationship between the Vice-Chancellor and Chairperson of Council; identify warning signs of a possible breakdown in their relationship; guard against poor decision-making within committees; and be able to provide advice on constructive interventions. Registrars are often called upon to play a mediation role when Council Chairs and Vice-Chancellors have acrimonious relationships.

Managing this very senior-level relationship requires a strong, knowledgeable and respected individual who fosters confidence by his/her knowledge of the governance environment. Registrars need to be courageous, have professional authority, and be independent of mind. As a leader, the Registrar should be able to fearlessly call out inappropriate behaviours or non-compliance with policies. Advice based on documented and approved policies, guidelines, rules, etc., must be provided, without fear or favour.

The Registrar is a member of the university’s leadership team and must ensure that s/he is able to work in a team, as well as independently. As a member of this team the Registrar contributes to discussions and decisions regarding the operational administration, leadership and management of the university. The Registrar further advises the executive team and its committees, on compliance-related matters. Providing leadership and being a leader are complex tasks for a Registrar. It requires more than
just being a member of a leadership team. It also includes leading the governance dialogue, guiding and steering others (especially the Vice-Chancellor and Chairperson of Council) towards ethical behaviours aligned to the Higher Education Act and the institutional statute, and compliance with ethical decision-making within the prescripts of relevant legislation, both internal and external. More importantly, it requires close scrutiny of sound governance principles and sounding the alarm to the relevant stakeholders in the event of any possible deviation or breach. As the advocate for good governance, and as a leader, the Registrar should embody qualities of integrity, honesty, fairness, accountability, courage and ethical conduct. The Registrar is the custodian of governance which places accountability at the core of his/her responsibilities, implying that the Registrar should lead in this space. The Registrar should not be afraid to expose unethical conduct, whether this pertains to colleagues or members of the Council. This requires the Registrar to be independent, objective and neutral.

Leading during Crises
Over the last few years, the higher education sector experienced crises in the form of repeated student protest action and then a pandemic. Responding appropriately and swiftly to crises requires strong crisis leadership skills.

Registrars play a key role in leading during crises. They are integral to the academic project, as well as the governance thereof, and reliance on their expertise, guidance and knowledge is necessary. Leading during crises requires decisions to be taken within a sound governance framework. Recording decisions, adapting the environment to one suited to the crisis, applying the requisite charters, policies, and processes become critical. All decisions taken must be aligned to existing policies and governance structures, or where necessary, amendments to policies should be made and approved to accommodate changes in processes. It is therefore assumed that Registrars as leaders should possess the requisite insights and agility to think and act on their feet, and offer sound advice within a framework of sound governance to protect the university risk. The Registrar should ensure that a business continuity framework and/or plan for the division is developed and continually reviewed.

The Role of the Registrar in Governance
Universities must be governed in terms of the Higher Education Act 101, as amended. There is no discretion here. The Act is the apex legislative provision that applies, as indicated in the example below. The Registrar has an important role to ensure compliance in this regard, informing and reminding the governance bodies and the management teams of the extent as well as the limits of their authority. The Institutional Statute derives its authority from the Act, and the Institutional Rules in turn derive their authority from the Institutional Statute.
Not only does the Registrar need to have a profound understanding of the governance premise but is also required to actively work to make sure that the governance provisions are respected. This entails to make sure that the Council understands its fiduciary role in terms of the Higher Education Act, is aware of what it explicitly is required to deal with as articulated in the Act and related Institutional Statute, and what should be left to the management arm of the university for its attention. This does raise the very important issue of the fine line between governance and management, a line that can so easily be rendered less obvious. The Registrar should underscore the understanding that it is the Vice-Chancellor who is the head of the university and therefore is accountable for running the university. It is Council’s role to make sure that the vice-chancellor does his/her/their job. Where these lines are not clearly (1) understood and (2) maintained, there is the risk of role-confusion, ineffective governance, frustration and a poorer-performing institution. This metric is not a once-off matter because of ebbs and flows and is therefore something that needs a constant watchful eye.

The Registrar’s role is a statutory one and unique in many ways. It is a position where the incumbent is placed at critical points along a continuum of organisational arrangements with associated functions. These include:

- Secretary to the key statutory bodies of university governance.
- Member of the senior management team, in some instances formally expressed as the Rectorate, and in other instances not necessarily formalised as such but without detracting from the level at which the role is required to function.
- Head of broad clusters of operational services that cut across the university and which extends into the core business units of the organisation — the faculties. These include the broad academic administration functions encompassing the student academic life cycle from the time as an applicant, to admission, to academic progression, to graduation, and then to alumni status. Included too, are additional functions that vary from one institution to the next. For example, student disciplinary processes and tribunals, university legal services (a particularly wide and increasingly challenging area of work given the litigious environment), risk management, cyber-breach responses, business ethics, and institutional whistle-blower hotline systems, among others.
- Reporting to the Vice-Chancellor as direct line manager.
- As secretary to the Council as the apex governance structure, maintaining what is in effect a dotted reporting line to the Chairperson of Council.
- With further reference to the last two points above, it is crucial that the Registrar manages his/her/their relationship with the Vice-Chancellor and the Chairperson of the Council with due care. Transparency is a pre-requisite in this regard.
While the above figure highlights the main activities under each of the two functions, it does not comprehensively capture the nature and responsibilities of the Registrar’s role. Cross (2014, p. 5) best describes this as three domains:

1. operating at the interface of all organisational functions in university life, between academic and administrative work, between governance and administration/management of the university and between the senior executive team and lower echelons of university work;

2. a hybrid of functions performed across these different domains and;

3. intersecting spaces operating within and across these functions and activities.

The Registrar is often placed in difficult situations due to conflicting interests between students, academics, administration and even external parties; versatility across the spheres of governance, administration, management and policy is imperative.
As the above figure shows, the scope and depth are quite vast. It is essential that the Registrar's office clearly maps out all of these roles and functions, bearing in mind how these interface within the system as illustrated in the figure below:

**FIGURE. 3 MULTIPLICITY OF ROLES AND FUNCTIONS**

As the above figure shows, the scope and depth are quite vast. It is essential that the Registrar's office clearly maps out all of these roles and functions, bearing in mind how these interface within the system as illustrated in the figure below:
What does being the Secretary to Council, Senate and other committee structures mean?

The Registrar as secretary to Council, Senate and other committees means taking full responsibility for ensuring and upholding good governance practices. Besides the administrative professionalism in adhering to rules, procedures, obligations and compliance, it demands ethical behaviour and integrity as embedded and lived out within the entire university.

The Registrar and custodianship of university governance

A university is a complex organisation — there is nothing quite like it. Its operations, at times, can be bewildering and confusing, even for employees who have been staff members for many years. This is important to understand, as for newcomers especially, even though not actually intentional, the culture of the institution can be perceived as being at best unfriendly and at worst hostile, even disempowering.

The logic of this can be explained by the following 5Ws:

• Why: While the cost of applying contemporary governance is high, in terms of
systems and processes for accountability, delegation, reporting, the cost of NOT doing it is even higher. A university’s reputation is not to be compromised, for reasons that should be obvious, but sometimes get overlooked.

• **What:** Universities seem to generate no end of policies, rules, regulations, strategies and plans and this proliferation can result in the bigger picture being lost. It is not uncommon for staff and students to query, how do they fit together? What is the difference between all of these? Where do I find them? What do they mean in simple terms?

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**Why do we need to be concerned about all this governance stuff. Universities have done well without it for centuries!**

It is worthwhile noting that Regulation R.464 highlights that, "Conditions confronting higher education institutions have become more demanding with regard to good management over the past two decades. Constantly dwindling opportunities for acquiring essential resources and, in recent years, increasing competition among public higher education institutions and from a growing sector of private higher education institutions, are but a few examples of factors that have contributed to a new and challenging environment."

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**I am still not convinced.**

That selfsame regulation, goes further on to state: "Compliance with the demands on public higher education institutions to adopt the best governance, financial and general management practices under these increasingly difficult economic conditions are largely dependent on the availability of financial and other relevant information in accordance with best practices."

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**Ok, I am seeing why we need to do this, but it just seems so overly complicated at times.**

The reality is that a University is a juristic person. It acquires assets, employs staff, registers students and confers degrees, diplomas and certificates in its name. But, it cannot think for itself. It requires natural persons to fulfill governance roles and responsibilities for it. Hence those who do so, must serve it, with the requisite care, skill and diligence as is to be reasonably expected from somebody entrusted with the care of an incapacitated being. Those who take on this role must know and be accountable for the great responsibility that they are carrying. It is not to be underestimated.

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• Universities receive their mandate from the Higher Education Act and develop institutional statutes that give expression to that mandate. Policies, rules and charters are further developed from these statutes in accordance with the uniqueness of each institution, however, remaining true to the principles of good governance. It is essential therefore, that these documents are understood and the institutional rules, in particular, reviewed regularly to ensure that they align to the best governance principles and practices.

• **Who:** Chapter 4 of the Higher Education Act is concerned with the ‘Governance of Public Higher Education Institutions’ and Section 26(2), specifically provides role
clarity. This is summarised below:\(^3\):

<table>
<thead>
<tr>
<th>Structures &amp; Offices</th>
<th>Key Considerations</th>
<th>Accountable to</th>
<th>Reciprocal Relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td>S26(2)(a): Council</td>
<td><strong>S27(1):</strong> States that it governs the HEI, subject to the Act AND the institutional statute.</td>
<td>The University</td>
<td>S27(7)(b) is clear in stating that members of Council or a committee of Council, “must participate in the deliberations of the council in the best interests of the public higher education institution concerned.”</td>
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<td></td>
<td><strong>S27(4):</strong> Consists of not more than 30 members.</td>
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<td></td>
<td><strong>S27(6):</strong> 60% of whom must be external.</td>
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<td></td>
<td><strong>S27(5):</strong> The institutional statute must outline the number of persons, eligibility criteria and manner of election (where applicable).</td>
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<td></td>
<td><strong>S26(3):</strong> A Chairperson, vice-Chairperson and other office-bearers must be elected from among its members as determined by the institutional statute and in terms of S26(4)(c) may only be external members.</td>
<td></td>
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<td></td>
<td><strong>S26(4)(b):</strong> Registrar is secretary.</td>
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<tr>
<td>S26(2)(b): Senate</td>
<td><strong>S28(1):</strong> States it is accountable to the council for the academic and research functions of the public higher education institution and must perform such other functions as may be delegated or assigned to it by the council.</td>
<td>Council</td>
<td>Council MUST consult with Senate in relation to the latter’s composition [S32(2)(a)], academic functions [S32(2)(b)], disciplinary measures and procedures [S32(2)(d)], admission policy [S37(1)] and some decisions can only be made with the concurrence of Senate, such as language policy [S27(2)] and academic functions.</td>
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<tr>
<td></td>
<td><strong>S26(4)(a):</strong> the principal is the Chairperson.</td>
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<td></td>
<td><strong>S26(3):</strong> Vice-Chairperson and other office-bearers elected from among members.</td>
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<td></td>
<td><strong>S28(4):</strong> the majority of members must be academic employees.</td>
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</table>

\(^3\) The summary table cannot do justice for all that is contained in the HE Act. Chapter 4 must be read in its entirety and the table can be used as a prompter and basis for filling in the gaps where required.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Authority</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>S26(2)(c): Principal</td>
<td>S30: Is responsible for the management and administration of the HEI. In the definition section in Chapter 1, this “means the chief executive and accounting officer of a public higher education institution, and includes a vice-chancellor and a rector.”</td>
<td>Council</td>
<td>This is an office, but in line with good governance, it is to be expected that Council would not interfere in the Principal's responsibility to implement and execute what is expected of this office.</td>
</tr>
<tr>
<td>S26(2)(d): Vice-Principal/s</td>
<td>In the definition section in Chapter 1, this “includes a vice-rector and a deputy vice-chancellor.”</td>
<td>Principal</td>
<td>This is an office. In line with good governance, the Principal would delegate responsibility to the Vice-Principal/s, subject to institutional statute, rules and other relevant policies and procedures.</td>
</tr>
<tr>
<td>S26(2)(e): Students’ Representative Council (SRC)</td>
<td>S36: The establishment and composition, manner of election, term of office, functions and privileges of the students’ representative council of a public higher education institution must be determined by the institutional statute and the institutional rules.</td>
<td>Council</td>
<td>Council must consult with the SRC for a suitable structure to advise on policy for student support services [S27(2)], the SRC's composition [S32(2)(c)] and disciplinary measures and procedures [S32(2)(d)].</td>
</tr>
</tbody>
</table>
| S26(2)(f): Institutional Forum (IF) | S31(2): Consists of representatives of management, council, senate, academic employees, employees other than academic employees, students and any other category determined by the institutional statute.  
S31(3): The number of persons contemplated and the manner of appointment or election are determined by the institutional statute. | Council | Must in terms of S31(1)(a) advise council on issues affecting the HEI, inter alia implementation of the HE Act and national policy on HE, race and gender equity policies, selection of candidates for senior management positions, codes of conduct, mediation and dispute resolution procedures; and the fostering of a conducive institutional culture. [S31(1)(a)], and perform such functions as determined by council [S31(1)(b)].  
Council, after consultation with the institutional forum, must adopt a code of conduct to which all the members of the council, its committees and all other persons who exercise functions of the council in terms of delegated authority must subscribe [S27(7E)(a)]. |
| S26(2)(g): Such other structures and offices as may be determined by the institutional statute | ● Colleges / Faculties  
● Schools / Departments  
● Deans  
● Heads of Departments  
● Executive Management  
● Senior Management  
● Convocation | Council | |

THE ROLE OF THE REGISTRAR
Insofar as the other structure and offices are concerned, it is important to note that the Act itself does not make explicit reference to other important structures (e.g. faculties) and offices (e.g. deans), which are the backbone of any university and are shown in the table above.

Where: In short, the Registrar's office is pivotal and key in ensuring that all that would result in good governance is both preached and practiced, and the best way to do that is to ensure that this responsibility is carried out without fear or favour and beyond reproach.

When: Governance is not something that can be switched on and off, or policies, rules and procedures made up as you go along. At the same time, attempts at excessive compliance, overzealous sticklers for hard procedure, will result in unintended consequences and even have the opposite effect of what is being envisaged.
A good Registrar will know the flavour of the right kind and when. Sole reliance on rules will do nothing more than encourage rule breaking and resistance, even from those who are committed to the institution. On the other hand, sole reliance on values will do nothing more than encourage shortcuts and a lack of attention to detail that could end up being so costly that the reputation of the institution is irreparably damaged. So, it is finding the best mix of rules and values, and orchestrating the flavour to get the right effectiveness (doing the right things), efficiency (doing things right) and economy (at best possible cost). That comes down to leadership.

The Registrar and Risk Governance

The risk confronting universities are enormous. While it is true that with risk comes opportunity, there is no doubt that downside risks facing public HEIs are higher than they have ever been.

Increasingly, universities are asked to do more and more with less resources, making a proper risk management system essential for the long-term sustainability of any institution. It is essential, therefore, that the Council committee entrusted with risk, comprises competent members who are fully conversant with the risks confronting a public HEI. At the same time, all members of the university, regardless of who they are, must understand and acknowledge that risk is ‘everybody’s business’.

Managing conflicts of interests

The Registrar has the responsibility to ensure that members of statutory committees understand their responsibility to conduct themselves with integrity and that any decisions taken are in the best interest of the institution. Part of this responsibility is ensuring that members understand that they may have conflicting interests and that they
they need to manage these.

**Conflict of Interest: 4 Tiers**

At the commencement of any meeting, the participants are required to indicate whether they have a conflict of interest. Generally, most people only consider it in relation to having a monetary or economic relationship (i.e. Tier 1 below), but this is only a small part of what might be termed a conflict of interest. Cossin and Hongze Lu (2017), highlight that there are in fact four tiers.

Simply put (and adapted to the University context), the four tiers are:

1. An individual Council or Senate member of the University, who by virtue of their position, takes advantage of a situation because they have inside knowledge.
2. Council or Senate member in relation to another member/s. Here a duty of loyalty may be compromised because there is simple agreement with a dominant member.
3. Members in relation to other members. Here, the interests of groups of members are not appropriately balanced or harmonised, meaning the interests of some constituents or stakeholders are placed above that of the university.
4. University vs Society. In a misguided attempt to ‘protect’ the university's reputation, matters which have the potential to harm society, may be brushed under the carpet.

Registrars have an obligation to point out the four tiers of conflict and ensure that they are effectively addressed. Generally, most people feel most comfortable declaring a Tier 1 conflict; it becomes more problematic when addressing Tiers 2 to 4. But unless they are addressed, ‘stakeholderisation’ may take root, which is something to be avoided at all costs.

Isn’t stakeholderisation a good thing? I understand it to mean that we are looking after our stakeholders.

Stakeholderisation is when the interests of stakeholders are placed above those of the institution. It is prevalent in many universities and is often pursued under the guise of autonomy and academic freedom. No university should ever compromise the pursuit of truth, but when Tier 2 and Tier 3 conflicts exist, then stakeholderisation becomes entrenched. CHE (2016, p.49), highlights the dangers of stakeholderisation, which is defined as “the tendency of groups with vested interests to pursue those exclusively and for different such groups to come into conflict with each other.”

**The Registrar and Professional Ethics**

What are professional ethics and what is the Registrar’s position in relation to professional ethics? This chapter focused extensively on the intersectionality of the Registrar’s role in relation to various governance structures (such as the Vice-Chancellor,
the Chair of Council, Senate, students and other stakeholder groups). Considering the role of the Registrar as presented earlier in this chapter, how should this intersectionality be navigated?

As described by Cross (2014, p. 18) Registrars in current-day universities find themselves at various “intersections”, carrying the responsibility of “positional consistency” and acting with certainty and integrity. The intersections speak to possible areas of tension brought about by “conflicting interests of various structures of governance”, such as the Vice-Chancellor, Senate, Council, and so forth. The expectancy is that, not only should the Registrar “serve the interests” of these structures, but at times “challenge”, and at other times “mediate” by offering guidance, all within the ambit of the prevailing governance framework (compliance with rules and regulations). The Registrar is guided by the principles of professional ethics (Cross, 2014 p.17), conducting themselves with “integrity, fairness, honesty and respect of others”, avoiding “conflicts between personal interests and professional responsibilities”. Importantly, it is the responsibility of the Registrar to provide information that is “complete, accurate, understandable and truthful”. This speaks to the professional ethics that form an integral part of who and what the Registrar is.

As secretary to statutory committees, not only does the Registrar provide the support and administrative functions to these committees (as discussed in a previous chapter) but of critical importance is the Registrar’s role in the induction of members of statutory committees and guidance to such committees in their roles and functions. At the same time, as part of the university executive, the Registrar is privy to the many and varied matters of the institution (Barac & Marx, 2012). These extend to matters of policy, academic matters, appointments of senior and academic staff, financial decision-making and matters pertaining to remuneration among many others, which are presented at the various statutory committees and/or sub-committees. The Registrar is often invited to give input on particular matters, for example, the processes in the review of the university statute, or institutional rules, the rules pertaining to academic governance and so forth. As secretary to statutory committees and member of the institutional management and leadership, the Registrar would have much insight in, as well as engagement on these and other matters as part of the decision-making process before matters are considered at these committees. What then does the Registrar’s role become, having up to that point been part of the deliberations on matters?
Let’s consider a scenario:
At a meeting of the Senate, an agenda item deals with the rules pertaining to the timeframe for the registration of students within a post-graduate qualification. The Senate has to deliberate on the maximum period of registration, and whether after a period of time, a student is deemed to have not met the academic requirements for meeting the requirements for completion of such qualification and should therefore not be permitted to register for a further period, and to be academically excluded from the programme.

The following may have to be considered:
What is the role of the Registrar in this regard? It may be argued that the registrar simply points to the rules and policies that guide such decisions and advises the senate that these must be considered in such deliberations. Being involved in the daily decision-making and balancing this with expressing a view and guiding a statutory committee in the manner of decision-making, can put the Registrar in a position which may appear to be in conflict with the role of the Registrar as secretary to Council and Senate. Professional ethics, as presented earlier, guides the manner of participation with stakeholders and within statutory committee meetings. Sound knowledge of the HE Act, institutional statute and rules, should also guide the extent and manner of participation in discussions. As previously stated, the Registrar should have a sense of independence to ensure actions in compliance with the relevant rules and regulations, and to challenge when this seems not to be the case.

Administrative Justice
Hundreds of decisions are made each day across the university. These extend across the full extent of the Registrar’s portfolio, into faculties, and many of a university’s operational units. The University has an obligation to ensure that effect is given to the requirements of administrative justice. The Registrar, and the Registrar’s Division has a necessary role to play to build an awareness of administrative justice, what it means, why it is necessary and reinforce a culture where the key principles are embedded in practice. This applies to all manner of decisions that affect students — admissions, exclusions, decisions to refuse readmission, disciplinary processes, housing allocations, exam deferments, concessions and the like.

The Bill of Rights in the South African Constitution includes under section 33 an entry on just administrative action.

Just administrative section 33
(1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair. (2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons. (3) National legislation must be enacted to give effect to these rights.

The Promotion of Administrative Justice Act (PAJA) gives the detail to the provision in the Bill of Rights which provides for just administrative action. Importantly:
• Decisions must be lawful, reasonable and procedurally fair.
Decisions must be accompanied by adequate underlying reasons.
• The right to have access to information.
• Appeals may not be heard by persons party to the decision against which an appeal is lodged.

It is important to ensure that administrative justice principles are applied for several reasons:
• It is the correct thing to do.
• Legislation requires this.
• It builds integrity and confidence in decision-making structures and related processes.
• It will avoid unnecessary review proceedings, including review applications through the external courts.

Changing external environment
The changing external domain impacts the higher education sector in various ways. Some examples include:

Funding
Following the literature and national debates, State funding of higher education (in real terms) has been declining over the years. Specifically:
• The State budget for universities as a percentage of GDP has been steadily declining.
• Student tuition fees and third-stream income are under pressure.
• The student-academic FTE ratio has been deteriorating over the years.
• There is no doubt that state funding through the National Student Financial Aid Scheme has been and continues to be significant. But funding provision will always lag funding demand, and the inherent risk is one that will manifest itself as a threat to student access to higher education and to the transformation initiatives of universities and the higher education sector more broadly.

Growth expectations
The National Development Plan/White Paper (2013) on Higher Education called for 1.5 million (M) students (currently +/- 1M) in higher education by 2030. While the NSC pass rate is increasing, and with increases in the number of university entrance passes, it is projected that this will put further pressure on universities to expand access. There is and will be a growing demand for tertiary access while at the same time the disparity in schooling and under-preparedness of school-leavers for university study will remain a challenge.

Regulatory framework
It is vital to keep track of the regulatory framework, and to be aware that this
framework is not static. Registrars should be a voice of their institutions in influencing the regulatory framework. Changes to funding dispensations and increased reporting requirements resulting in greater bureaucracy, are factors to which we should stay alert.

**Legal environment**
A rights culture is aligned to democracies — this is worthy of celebration. It does mean though that the environment within universities becomes more litigious, requiring that officers of the university, especially the Registrar, must cultivate a thorough understanding and appreciation of several legal provisions, and then take steps to embed compliance with these in the institution. Examples of such legislation include:

- The over-arching Constitution of South Africa, and the Bill of Rights.
- The Institutional Statute as relevant to each university.
- The Protection of Personal Information Act (POPIA) — requiring the collection, use and storage of information to be consistent with the Act.
- The Promotion of Access to Information Act (PAIA) — knowing when access may or may not be refused, and the steps to be taken when information is released, including third party notices.
- The Promotion of Administrative Justice Act (PAJA), requiring decisions to be reasonable, procedurally fair, lawful and inclusive of written reasons for administrative action.
- The Consumer Protection Act.

Note that the above Acts are a small sample of the regulatory universe within which universities operate.

**Philosophical framework and complexity**
The impact of the above factors for the role of the Registrar is profound. It raises fundamental questions that requires alternative philosophical assumptions about what underpins the role, seeking to balance traditional (and necessary) requirements in the role while at the same time embracing change and innovation. In doing so it is crucial to be mindful that simply being a channel for bureaucracy is far too limiting. Instead, a focus must be on being an enabler and facilitator, and to do so within the context of existing statutory and policy provisions that must be enforced, as well as considering the peculiar institutional cultural realities of universities. In the sea of complexity that prevails, it is necessary to harness an approach where one can think relationally about the sum of variable parts that converge in relationships that take on a non-linear form.

**Connecting the nodes**
In the emerging complexity of university life, it is crucial to be mindful that the multiple parts, the many and varied stakeholder perspectives and the inevitable contestation
within organisations that invariably reflect society in microcosm, require a combination of a capacity to think relationally, emotional intelligence and a sense of imagination. In seeking an appropriate identity for the role of Registrar, the value of the role is to be found in its expression at the intersection of multiple nodes, key among which are (a) between the academic enterprise and the administrative functions that support it; (b) between the governance function of Council and the functions of executive management; and (c) between the senior management and various additional levels of administration. The identity of the role of Registrar will increasingly be shaded through the hybrid of functions across these domains rather than specifically in any one of the individual domains.

Records and Data Management

**Records Management: definition, intent and scope**

Records management refers to the maintenance, protection, retention, and disposal of records in accordance with institutional operational needs, governmental regulations, adopted international standards, fiscal and/or legal requirements, as well as historical, and reference purposes. This includes all records in all formats and in all locations of an institution. Institutions should follow sound procedures for the integrity, security, privacy and confidentiality of its records.

The intention of records management is to:

- Enable an institution to meet all the legal obligations stemming from the relevant South African legislation governing information and records management;
- Provide the foundation for defining the principles governing records management at the institution;
- Support the institutional governance ethics and processes by a comprehensive and viable set of requirements regarding records management;
- Support the institution in its vision to be innovative and future-focused, and to ensure systemic sustainability of the organisation;
- Implement new and standardised working methods for storing, retrieving and retaining records;
- Guide the application of sound procedures for the integrity, security, privacy and confidentiality of its records;
- Determine the physical and electronic maintenance and security of records; and
- Ensure that institutional records are created, captured and stored in such a manner that their admissibility and/or evidential weight is not compromised.
Records Management Framework
Records Management Framework And Lifecycle

**Components**

It is recommended that the following fundamental records management components are in place in higher education institutions.

**Policies and Procedures**
- Records Management Policy
- Related institutional policies
- Electronic communication
- Research management
- Intellectual property
- Data privacy and protection of personal information
- Finance management
- Procedures
  - Vital records identification and classification
  - Record appraisal, digitization, and storage
  - Record retention: disposition and archival preservation
  - Record repository: management, processes, and procedures
  - Records management Audit
  - Risks, Access and security of records

**Governance and Management Tools**
- File Plan
- Retention Schedule

**Records Management Repository**
- Electronic repository
- Archival Repository for physical records

Source: Adapted from: (Central University of Technology Free State, 2020) (Central...
University of Technology Free State, 2016) (International Standards Organisation (ISO), 2016) (Stellenbosch University, 2016) (Stellenbosch University, 2022).

Data Management
The Registrar is the custodian of student data and must ensure the security, integrity and timeous disposal of data. The records management office, usually within the Registrar's portfolio, has to ensure that the physical environment is conducive to the safekeeping of university records and archives and meets ISSO standards. Policies that govern the protection of and access to information should be compliant with national policies and relevant legislation.

It becomes important for appropriate training to be provided to all staff at a university, especially in understanding their responsibilities in data management, for example, the retention of data, sharing personal data (POPIA), or access to information (PAIA). Universities must inform staff who the chief and deputy information officers (registered with the Information Regulator) are; standard operating procedures in terms of data security, access to information, data integrity, and sharing data with third parties, among others, should be developed and made available to staff (for example, via the intranet); processes for reporting data breaches must be shared with all staff; all stakeholders should be made aware of the risks attached to a lack of information security or the inappropriate sharing of personal information, and regular personal information impact assessments should be conducted in all areas that gather and hold data.

As this chapter has highlighted, there is more than meets the eye when it comes to the role of the Registrar. Registrars are often challenged by having to maintain an arms-length relationship in relation to their governance role and responsibilities, while also serving as a member of the university’s executive and senior management team. It is necessary and non-negotiable that this is reconciled and well understood by all stakeholders.
Chapter Three: The Registrar’s Role in Academic Administration

A university thrives when there is both academic and administrative excellence. The expectations of students can only be met when good governance and management meet sound administration. In this chapter information is provided regarding the typical academic administrative processes and systems involved in the life cycle of a student.

The Registrar has specific responsibilities regarding academic administration assigned to him/her, which may vary among institutions. Irrespective of the individual levels of decision-making that may be assigned, the academic regulations (AR) or standing orders/rules of the University, as approved by Senate, are the indicators according to which academic administration decisions should be made and related procedures developed.

Deviations from regulations, systems and processes may only be instituted as per university-specific rules and guidelines. A number of systems, procedures, guidelines and information on academic administration that could support the Registrar will be discussed in this chapter.

Despite what Cross (2014) refers to as a blurring of conceptual boundaries of ‘governance’, ‘administration’, ‘leadership’, for the purposes of this Handbook, the term ‘Academic administration’ refers, very broadly and simplistically, to the planning, organising and managing of tasks related to the academic project of a university. Of critical importance is the alignment of the people, process and technology (PPT framework) in pursuit of operational and administrative excellence.

While ‘academic administration’ may be a generic term, the responsibilities vary amongst institutions; generally, though, if graphically portrayed, the academic administration encompasses, but is not limited to the following:

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4 A term in use since 1960 but popularised by Bruce Schneier a computer security and privacy specialist in information security industry in the 1990s.
Systems and processes

The digital revolution has impacted on learning and teaching, and has revolutionised how we serve our students. Registrars are expected to be informed, and stay abreast of technology, and it is within the realm of academic administration that this is best illustrated. Institutions should embrace digital transformation by actively investing in systems which enhance service delivery and the student experience. Chatbots are a good example of systems which could be implemented to actively assist clients with enquiries (24 hours a day). These chatbot systems can even be designed to be self-learning through algorithms to enhance or improve the responses to enquiries without any human intervention. Another example of a technology-enabled service would be the implementation of virtual-or augmented-reality campus tours to showcase the campus facilities to prospective students without them having to physically travel to the campus. There is an array of systems available that can assist the Registrar to manage the business processes related to the Registrar's portfolio. Systems should ideally be integrated to avoid duplication of processes and data structures.

Systems should be in place for the following processes:

- The management of the student life cycle which relates to applications, admissions/selections, registrations, assessments, graduations and certification. Examples of student administration systems that support these functions are, inter alia, AdaptIT, Integrator 4, or Oracle's Peoplesoft. Systems for document management (for example, Perceptive Content), for the routing of business processes or the management of workflows, online booking systems for the scheduling of appointments, and online enquiry systems, for example, to assist clients in
submitting documents without having to visit a campus in person, create and improve efficiencies for staff and students.

- In addition to the student life cycle business processes, systems should also be in place to issue student cards and compile a clash free timetable, such as the Impro Access Management System, CelCat or Syllabus Plus.

- Access to information for students is crucial and requires systems to support it, such as a platform for digital certificates which caters for the ordering of transcripts or transcript supplements. This platform should ideally allow secure online payments.

- To track enrolments and institutional statistics, generate management reports and most importantly, the enrolment plan for the institution, a system in line with the Higher Education Data Analyser (HEDA) must be available. To make informed decisions it is important to have access to a business intelligence platform for general reports from various sources and systems (ITS, Perceptive Content, Oracle, etc.).

- One of the most critical reporting systems required is the HEMIS (Higher Education Management Information Systems) system. This is typically built into the student administration system and reports all the critical data elements for subsidy purposes to the Department of Higher Education and Training.

- To ensure accurate reporting and maximise subsidy income for the Institution it is very important to strictly coordinate and manage the academic structure setup of the Institution, typically also in the student administration system, to be in sync with the PQM (Programme and Qualification Mix) of the Institution. This is the official document regulation which depicts programmes that the institution is allowed to offer.

- Another important aspect is the management of PAIA requests and the monitoring of POPIA issues, which should have an online system to track, monitor and report on requests and issue-management.

- The intranet and website should be regularly updated with information pertaining to the Registrar’s portfolio. There needs to be a dedicated space on the website where applicants or students can access information pertaining to applications, registrations, lecturing and assessment timetables, examinations, graduations and digital certificates.

- Learning management systems for students and academics, such as Blackboard, Sakai or Moodle often integrate with the student administration system and should be on the Registrar’s radar, if not situated within the Registrar’s environment.

- As far as the governance support role of the Registrar, it is critical for the environments that report to the Registrar’s portfolio to have an Electronic Documents and Records Management System (EDRMS). The EDRMS should serve the purpose of a document repository as well as having workflow capabilities and tracking functionality. The system will host documents pertaining to the university secretariat, as well as other governance documentation, such as policies and contracts. The systems may be supported by SharePoint/Dropbox, etc. for sharing of information.
Bearing in mind the Registrar’s role as the “custodian of the academic record” or in modern speak “the institutional owner of student information” it is crucial that system implementation projects within the Registrar’s environment are not viewed as “IT projects”, but rather as collaborative projects between the Registrar and IT with the functional users articulating the operational requirements to be catered for in the particular system and actively participating in the RFI and RFP processes, as well the implementation.

The Registrar carries responsibility for the academic administration of the university. Any discussion of academic administration requires an understanding of the role of the registrar who operates at the interface of all organisational functions in the University. This is depicted below:

**FIGURE 6. ORGANISATIONAL INTERFACES**

As far as academic administration is concerned this would include, but is not be limited to, the management of records and documentation (also discussed in a separate chapter) in all forms (paper/digital) of the tasks associated with the life cycle of the student, such as

- application;
- registration;
- assessment and examination;
- oversight of the validation and approval process of academic programmes;
- quality assurance;

---

• conferral of awards/graduation certificates;
• student records; and
• rules, policies and procedures — all interrelated parts of academic administration.

The principles of Administrative Excellence should include:
• Systematic review and assessment of processes and systems.
• Planning and Innovation, i.e. the cycle of continuous improvement, pragmatic implementation plans, and robust monitoring and evaluation systems.
• Well defined policies, procedures, and structures, for example, the development of Standard Operating Procedures (SOPs).

Academic administration decision making:
Besides the university’s institutional statute, decision making criteria and indicators are generally governed by the rules, academic regulations or standing orders of the university as approved by the senate. One example of such a hierarchy of academic governance⁶ is outlined below.

⁶ Note that nomenclature may differ from one institution to another.
Academic Administration: Governance and Risk Management

The risks related to academic administration (with specific focus on student data integrity) are governed by the Registrar and managed within the faculties or academic departments. The following examples of committees\(^7\) are proposed to guide and provide oversight in terms or operational matters. These committees are important, mitigating any risks arising in the respective business processes. The Registrar (or another appropriately senior person) may be the Chairperson of these committees:

- **Central Coordination Committee for Academic Administration** (monthly meetings with faculty administration representatives, staff responsible for operations, information technology, Finances, Student Affairs and other role players).
- **Central Admission Committee** (responsible for admission and selection, meeting once every three months).
- **Registration Coordination Committee** (responsible for the enrolment and registration planning, meeting once every three months).
- **Timetable Committee** (responsible for the lecturing and assessment timetable planning and coordination, meeting once every two to three months).
- **Assessment Coordination Committee** (responsible for assessment related planning, meeting once every three months).
- **Graduation Coordination Committee** (responsible for graduation planning and logistics, meeting once every four months).

Terminology and Definitions in Academic Administration

It is important that there is a common understanding of the terms which are a regular part of the managerial and administrative discourse for a Registrar. The following are some concepts and definitions related to systems and processes within academic administration at institutions.

\(^{7}\) The names of these committees are institution specific, as is the suggested frequency of meetings.
<table>
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<tr>
<th>CONCEPT</th>
<th>DEFINITION</th>
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| Active student              | An active student is one who is counted in the census data. An active student is defined as a student who has been active up to the point of the census. Evidence of what constitutes active could refer to any one of the following activities:  
   The student had  
   (a) submitted assignments,  
   (b) attended lectures, seminars, tutorials or practicals,  
   (c) written class tests,  
   (d) raised study queries with an academic staff member, or  
   (e) made use of a learning centre.  
   The writing of final examinations is not acceptable as the sole evidence of a student being active. |
| Already graduated/drop-out  | The student graduated or dropped-out in previous years.                                                                                     |
| Area of specialisation      | An area of specialisation is a field of study (as defined through the 2\textsuperscript{nd} level of the Classification of Education Subject Matter or CESM classification) in which a student intends to specialise in his/her programme of studies for a particular qualification.  
   A student may intend to specialise in more than one field, and therefore can have more than one area of specialisation.  
   Areas of specialisation are sometimes referred to as "majors" or "major modules" or "major fields of study".  
   The area of specialisation is determined at the beginning of each academic year when a student either registers or re-registers for a qualification. |
<p>| Articulation                | Articulation refers to the less traditional processes and pathways through which students may move between programmes and qualification types. Since articulation often involves moves or transfer between different qualification types (e.g. from a diploma to a degree in the same field or vice versa) it is generally associated with the provision of opportunities to bridge the knowledge/skills gap between the level of the programme of origin and the destination programme. |</p>
<table>
<thead>
<tr>
<th>Attendance mode</th>
<th>The mode of a programme describes the method of delivery of teaching/learning:</th>
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<tbody>
<tr>
<td>Contact mode:</td>
<td>The programme involves personal interaction with institutional teachers or</td>
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<td></td>
<td>institutional supervisors, through lectures, tutorials, seminars, practicals,</td>
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<td></td>
<td>supervision, or other forms of required work, and occurs at the institution's</td>
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<td></td>
<td>premises or a site of the institution.</td>
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<td>Distance mode:</td>
<td>Institutional teaching or institutional supervision is undertaken through</td>
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<tr>
<td></td>
<td>&quot;distance education&quot; techniques (e.g. through the use of correspondence,</td>
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<tr>
<td></td>
<td>telematics, or the internet).</td>
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<tr>
<td>Mixed-mode:</td>
<td>The interaction with institutional teachers or institutional supervisors is</td>
</tr>
<tr>
<td></td>
<td>undertaken through a mixture of contact and distance modes.</td>
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<tr>
<td></td>
<td>Some &quot;distance education&quot; programmes involve students undertaking most of</td>
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<td></td>
<td>their studies through distance mode but they are also required to attend</td>
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<td>intensive short sessions at an institution's premises. Such programmes are</td>
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<td></td>
<td>to be treated as &quot;mixed-mode&quot;.</td>
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<tr>
<td></td>
<td>Where a programme involves mainly a thesis, dissertation, research project,</td>
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<tr>
<td></td>
<td>other project or a practicum, the attendance mode relates to the mode through</td>
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<td></td>
<td>which student interact with institutional teachers or supervisors. While</td>
</tr>
<tr>
<td></td>
<td>students may be undertaking research work, project work or a practicum away</td>
</tr>
<tr>
<td></td>
<td>from an institution's premises and may be given guidance by a person other</td>
</tr>
<tr>
<td></td>
<td>than their institutional teachers or supervisors, this does not in itself</td>
</tr>
<tr>
<td></td>
<td>mean that the programme is being undertaken in distance mode.</td>
</tr>
</tbody>
</table>

| Census date     | A census date is set each year at the mid-point of the academic period of a |
|                 | module/programme/qualification within a reporting year. The start date of the |
|                 | module is taken as the first teaching day and the end date as the last teaching |
|                 | day, with the census date in the middle.                                    |
|                 | Census dates are required by the Department of Higher Education and Training |
|                 | and set by institutions based on DHET guidelines.                         |
|                 | Census dates exist for semester one, semester two and for the year to      |
|                 | accommodate both semester and year-long modules. The headcount of         |
|                 | registered students is made based on this census date.                    |

| Collection year | The collection year for the student is the calendar year 1 January to 31 December |
|                 | of the year in which the first submission files are normally provided to the DHET. |
|                 | The collection year for the staff collection is the calendar year 1 January to 31 December in the year prior to provision of data to the DHET. |
### Course level

Some institutions refer to modules, rather than courses. However, in the HEMIS system, reference is made to courses. A course is a component within a programme of study for a qualification. It has these characteristics:

- It is an identifiable teaching/learning component that may be undertaken in more than a year, in a year or semester or shorter period.
- Student performance in the component is assessed and recorded in the central record system (ITS) or student information system (SIS).
- The component has a unique identifying "course code" which is assigned to it in the institution's ITS/SIS.

This classification of a programme is based on an assessment of the intended level of complexity of the material associated with the programme or the level of comprehension required of students taking the programme. Programme level categories are not dependent on the year of study of the curriculum in which programmes to be classified appear.

For University programmes, the following levels apply:

- **Pre-tertiary**: programmes usually associated with secondary school or lower offerings.
- **Lower undergraduate**: programmes that require a level of comprehension normally associated only with undergraduate diplomas or certificates.
- **Intermediate undergraduate**: programmes that require a level of comprehension normally associated with a general academic first bachelor's degree.
- **Higher undergraduate**: programmes that require a level of comprehension normally associated with the fourth or subsequent years of a professional first bachelor's degree.
- **Preparatory postgraduate**: programmes that require a level of comprehension normally associated with general academic first bachelor's degrees or with undergraduate diplomas or certificates.
- **Lower postgraduate**: programmes that require a level of comprehension normally associated with honours degrees.
- **Intermediate postgraduate (non-research)**: programmes offered at a level of comprehension normally associated with master's degrees and which are not part of a research project.
- **Intermediate postgraduate (research)**: research programmes at a level of comprehension normally associated with master's degrees.
- **Higher postgraduate (non-research)**: non-research programmes offered at a level of comprehension normally associated with a doctoral degree.
- **Higher postgraduate (research)**: research programmes at a level of comprehension normally associated with a doctoral degree.

### Current qualification

The student's qualification record for the current year's registration used to determine that specific year's status.

### Drop-out or cancellation of studies

The student cancelled studies.
<table>
<thead>
<tr>
<th>Effective registration for a programme</th>
<th>An effective registration by a student for a programme exists when all these criteria have been met:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) On a census date determined by the institution, the programme is an approved component of the student's approved curriculum.</td>
<td></td>
</tr>
<tr>
<td>(b) On that census date the student is still entitled to be undertaking the programme, has not officially withdrawn from the programme and has not been officially excluded from the programme.</td>
<td></td>
</tr>
<tr>
<td>(c) The census date lies within a set period:</td>
<td></td>
</tr>
<tr>
<td>· the start date for the set period is the first teaching day for the programme plus 1/3 of the number of teaching days in the programme, and</td>
<td></td>
</tr>
<tr>
<td>· the end date for the set period is the first teaching day for the programme plus 2/3 of the number of teaching days in the programme.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effective registration for a qualification</th>
<th>An effective registration by a person for a qualification at the institution exists when all these criteria have been met:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) The person satisfies the statutory entry requirements for admission to a formally approved qualification offered by the institution.</td>
<td></td>
</tr>
<tr>
<td>(b) At 1 January of the collection year, the person was officially enrolled in the qualification, or during the period 1 January through 31 December of the collection year the person became officially enrolled in the qualification.</td>
<td></td>
</tr>
<tr>
<td>(c) During the period 1 January through 31 December of the collection year the person was effectively registered in at least one programme which is a part of the curriculum for the qualification.</td>
<td></td>
</tr>
</tbody>
</table>

Conditions of registration are determined by the institution.
<table>
<thead>
<tr>
<th>Entrance category – FTEN</th>
<th>FTEN:</th>
</tr>
</thead>
<tbody>
<tr>
<td>This status indicator is very important for statistical reporting and must be correct. It classifies the status of a person in terms of prior qualifications and experience at the institution and elsewhere:</td>
<td></td>
</tr>
<tr>
<td>F = First time entering UG or PG student</td>
<td></td>
</tr>
<tr>
<td>T = Transfer UG or PG student</td>
<td></td>
</tr>
<tr>
<td>E = Entering UG or PG student</td>
<td></td>
</tr>
<tr>
<td>N = Non-entering</td>
<td></td>
</tr>
<tr>
<td>A first-time entering student is a student who is registering for the first time for an undergraduate or postgraduate qualification and has not been effectively registered at this level in any higher education module/programme at the institution or any other higher education institution. Students can be categorised as first time entering UG or first-time entering PG.</td>
<td></td>
</tr>
<tr>
<td>A transfer student is a student who is transferring from another institution. Transfer students can also be categorised as UG or PG transfers.</td>
<td></td>
</tr>
<tr>
<td>An entering student is a student who has been registered at another institution in the past, but is now registering for a different qualification, for which she/he has not previously been registered. Entering students can be categorised as UG or PG.</td>
<td></td>
</tr>
<tr>
<td>A non-entering student is a student who is registering for a qualification for which he/she has previously registered at the institution. Non-entering students can be categorised as UG or PG.</td>
<td></td>
</tr>
</tbody>
</table>

| Extended curriculum programme | An extended curriculum programme is a first undergraduate degree or diploma programme that incorporates a substantial foundational provision that is additional to the coursework prescribed for the regular programme. The foundational provision incorporated must be (a) equivalent to one or two semesters of full-time study, (b) designed to articulate effectively with the regular elements of the programme, and (c) formally planned, scheduled and regulated as an integral part of the programme. |
**Foundational provision**

Foundational provision is the offering of modules, courses or other curricular elements that are intended to equip under-prepared students with academic foundations that will enable them to successfully complete a higher education qualification that has been approved by the Minister of Higher Education and Training. Foundational provision focuses particularly on basic concepts, content and learning approaches that foster advanced learning. Even where the subject matter is introductory in nature, foundational provision must make academic demands on the students that are appropriate to higher education.

Foundational provision is intended primarily to facilitate the academic development of students whose prior learning has been adversely affected by educational or social inequalities. Foundational provision is thus aimed at facilitating equity of access and outcomes.

| **FTE** | FTE (Full Time Equivalent) is a unit of measure to compare students or staff in terms of their study or workload. Because not all students register for the full study load, or all staff are employed for the full workload permitted in a year, FTE allows one to calculate the proportional load of each staff member or student. |
| **FTE degree credit success rates** | FTE degree credit success rate can be used to determine an overall success rate for each university. FTE degree credit success rates are calculated as the total number of FTE module enrolments with a pass result, expressed as a percentage of the total number of FTE module enrolments in a particular HEMIS reporting year. FTE degree credit success rate = Number of FTE module enrolments divided by the total number of FTE enrolments, multiplied by 100. |
| **FTE degree credits.** (In this definition 'degree' includes all qualification types, namely, degree, diploma or certificate.) | FTE degree credits are measures of the teaching outputs based on all the modules offered by a university. FTE Degree Credits = Module enrolments multiplied by HEMIS module credits (see above). |
| **FTE enrolments** (The HEMIS module credit is not to be confused with the HEQF credits for the module that would accrue towards successful completion of the qualification by a student, e.g. 16 credits) | FTE enrolments are calculated as the module enrolments multiplied by the HEMIS module credit assigned to each module (these are values in a range from 0-1 and relate to the proportion of time or weight of the module as a fraction of a full year – which has a value of 1). FTE student enrolments for a module = credit value for the module x headcount enrolment for the module. This is an important calculation for funding purposes because the government subsidy is calculated based on FTE enrolments. |
| Government funding framework | Government funding of universities makes up a big part of an institution’s total budget. Student fees and private income generally make up the remaining funds.  
  
The Minister of Higher Education and Training divides the government’s allocation to universities into three broad categories: institutional restructuring, earmarked grants and block grants. The bulk of funding is allocated through block grants (88%) comprised of:

- A teaching input grant, based on FTE student enrolment, and the level and field of study – 56%
- A teaching output grant, based on the production of non-research graduates up to master’s level – 14%
- A research output grant, based on the production of research master’s and doctoral graduates, and publication units – 12%
- An institutional factor grant, based on the enrolment size and proportion of disadvantaged students – 6% |
| Graduation rate | Graduation rates can be calculated in two ways, but the official method used by the government is the proxy method used by the DHET:  

Here, the graduation rate is calculated as the total number of graduates in a specific year, expressed as a percentage of the total number of headcount enrolments in that year.

Graduation rate = number of students that graduate in a specific year/total number of students enrolled in the University in that year.

Cohort analyses are used by some institutions for their own intelligence-gathering. In this model, the graduation rate is calculated as the proportion of students in the same cohort (registered in year N) who complete their qualification within the minimum time. For example, the minimum time for completion of an undergraduate bachelor’s degree is three years. The Graduation Rate = the number of students that completed within time/total number of students in that cohort. Cohort analyses allow for graduation rates to be calculated for the minimum time, minimum time + 1 etc. |
| Graduation year | The year in which the student graduated for the qualification initially enrolled for. |
| **Headcount** | The headcount is a count of students for a specific calendar year who did not cancel their studies before the HEMIS census date. For the purpose of enrolment planning, a distinction is made between registrations and headcounts to consider the small proportion of students who drop out or cancel their studies within the first few months of the year after registration. These students are not counted as part of the University's headcount for that year and do not generate any subsidy. An enrolment target is therefore set for registration that is greater than the final headcount target aimed for, to accommodate the phenomenon of dropouts. Those registered students who remain, i.e. who have not dropped out before the HEMIS census date, will be counted for subsidy purposes and this is called the headcount. |
| **HEMIS reporting year also known as the collection year** | The HEMIS reporting year (collection year) for student records is the academic year that usually runs from 1 January to 31 December. In instances of modules/programmes that run over two calendar years the reporting year is the year of examination. |
| **Minimum study time** | The minimum number of study years approved by the Minister of Higher Education and Training for a university qualification:  
**Minimum total time:** the minimum total of years of study required for the completion of the qualification.  
**Minimum experiential time:** the minimum total of years of study required to complete the experiential learning components of the qualification.  
**Minimum formal time:** the minimum total time less the minimum experiential time. |
| **Occasional student** | This is a person who satisfies the statutory requirements for entry into a formally approved qualification offered by the institution, who is effectively registered for an approved programme, but who is not registered for an approved qualification. |
| **Pass rate** | The pass rate refers to the examination passes in a module as a proportion of the total module enrolments that have admission to the exam. The pass rate = the number of passes in a module exam or total module enrolments with admission to the exam. |
| **PQM – Programme Qualification Mix** | Details of qualifications and majors/fields of specialisation (including formal time, experiential time and total time) approved by the DHET for each institution. |
| **Programme** | A programme is a component within a programme of study for a qualification. It has these characteristics:  

(a) It is an identifiable teaching/learning component that may be undertaken in more than a year, in a year, or a semester or a shorter period.  

(b) Student performance in the component is assessed and recorded in the central record system (ITS).  

(c) The component has a unique identifying "programme code" which is assigned to it in the institution's central record system (ITS).  

A programme may be a component undertaken as coursework, or a project, or a thesis, or a dissertation, or a practicum, or a mixture of such types. |
| **Programme approval status** | The programme approval status of a programme is either approved or not approved:  

**Approved:** the programme is one that appears in at least one curriculum for a qualification and an area of specialisation, which have both been approved by the Minister of Education for subsidy purposes.  

**Not-approved:** the programme is one that does not appear in any curriculum for a qualification and area of specialisation which have both not been approved by the Minister of Education. |
| **Programme completion status** | This is the student's status in terms of the completion of a programme, as determined at a particular point of time, considering all examination information that is available at that time.  

If the data is reported in the second submission, the date at which the status is to be determined is 31 March of the year after the reporting period.  

If the data are reported in the third submission, the date at which the status is to be determined is 30 June of the year after the reporting period. |
| **Programme credit value** | The credit value of a programme is the fraction which it constitutes of a full-time curriculum in a year of study of a specific qualification.  

The credit value for a programme may vary depending on the qualification for which it is being undertaken by a student. |
| **Progression** | Progression refers to the 'normal' vertical pathway that students take from one programme to another, such as from a bachelor's degree to a bachelor honours degree in the same field. |
| **Qualification** | A qualification is the degree, diploma or certificate which an institution awards to a student on the successful completion of a programme of studies. |
| **Qualification requirement status** | This is a student's status in terms of the completion of all the academic requirements for a qualification, as determined at a particular point of time, considering all examination information and other relevant information which are available at that time. |
### Qualification Types

The qualifications of universities are classified in the following ways:

- **University undergraduate certificate**: a qualification that has a minimum duration of less than 3 years and which does not have a bachelor's degree or a diploma as an entry requirement.
- **University undergraduate diploma**: a qualification that normally has a minimum duration of 3 years and has a Grade 12 pass or equivalent as a minimum entry requirement.
- **General academic first bachelor's degree**: a qualification that has a minimum duration of 3 years and which has a Grade 12 pass with matriculation exemption as a minimum entry requirement.
- **Professional first bachelor's degree**: a qualification which has a minimum duration of 4 or more years, and which has a Grade 12 pass with matriculation exemption as a minimum entry requirement.
- **Post-diploma diploma**: a qualification that has either a university or a technikon diploma as a minimum entry requirement and which has a minimum duration of 1 year.
- **Postgraduate certificate**: a qualification that has a bachelor's degree as a minimum entry requirement, and which has a minimum duration of 1 year or less.
- **Postgraduate diploma**: a qualification that has a first bachelor's degree as a minimum entry requirement, and which has a minimum duration of 1 year.
- **Postgraduate bachelor's degree**: a qualification that has a first bachelor's degree as a minimum entry requirement and has a minimum duration of either 1 or 2 years.
- **Honours degree**: a qualification that has a first bachelor's degree as a minimum entry requirement and has a minimum duration of 1 year.
- **Master's degree**: a qualification that has either a first bachelor's degree or an honours degree as a minimum entry requirement, which is of a level higher than that of an honours degree and which has a minimum duration of 1 year.
- **Doctoral degree**: a qualification that has either an honours or a master's degree as a minimum entry requirement, which has a minimum duration of 2 years.

The qualifications of Technikons/Universities of Technology are classified in the following ways:

- **National certificate**: a qualification that has a Grade 12 pass as a minimum entry requirement, and which has a minimum duration of 1 year.
- **National higher certificate**: a qualification that has (a) a minimum duration of 2 years with a Grade 12 pass as a minimum entry requirement or (b) a minimum duration of 1 year with a national certificate as a minimum entry requirement.
- **National diploma**: a qualification that has (a) a minimum duration of 3 years with a Grade 12 pass as a minimum entry requirement or (b) a minimum duration of 1 year with a national higher certificate as a minimum entry requirement.
- **National higher diploma**: a qualification that has (a) a minimum duration of 4 years with a Grade 12 pass as a minimum entry requirement or (b) a minimum duration of 1 year with a national diploma as a minimum entry requirement.
- **Baccalaureus technologiae degree**: a qualification that has (a) a minimum duration of 4 years with a Grade 12 pass as a minimum entry requirement or (b) a minimum duration of 1 year with a national diploma as a minimum entry requirement.
- **Master's diploma in technology**: a qualification that has (a) a minimum duration of 5 years with a Grade 12 pass as a minimum entry requirement or (b) a minimum duration of 1 year with a national higher diploma as a minimum entry requirement.
- **Magister technologiae degree**: a qualification that has (a) a minimum duration of 5 years with a Grade 12 pass as a minimum entry requirement or (b) a minimum duration of 1 year with a BTech as a minimum entry requirement.
- **Laureatus in technology**: a qualification that has (a) a minimum duration of 7 years with a Grade 12 pass as a minimum entry requirement or (b) a minimum duration of 2 years with a master's qualification as a minimum entry requirement.
### Registrations/enrolments
Registrations can be defined as the number of students who formally registered or enrolled for study within a specific calendar year. This count can be done on module or qualification level.

### Student
A student is classified as a student when he/she satisfies both of the following conditions:

1. He/she must be in possession of either a senior certificate with endorsement or certificate of exemption, or a senior certificate without endorsement, or be admitted at Senate’s discretion.
2. He/she must be enrolled for a programme that forms part of the institution’s formal degree/diploma/certificate programme. Note that a formal degree/diploma/certificate programme includes only those qualifications which have been accredited by the HEQC and of which the introduction has been approved by the relevant government authority.

If a person enrolled for a programme does not have the minimum qualifications listed in (a) above, then he/she cannot be considered a student of the University for HEMIS (or subsidy) reporting purposes.

If a person has one of the qualifications set out in (a) above but is enrolled only for (say) remedial programmes which cannot eventually count for credit towards a diploma or certificate or degree, then he/she also cannot be considered a student of the University concerned.

### Student Number
This is a numeric or alphanumeric number or code which uniquely identifies a student within the institution. The code can be either the real student number or some other “dummy” number.

This real number or dummy number must be used for the student for all effective registrations reported, throughout all years of his/her undertaking of any qualification or any programme of study at the institution.

### Success rate
The success rate refers to the percentage of student passes at module level measured against the total number of module enrolments in the institution. The module enrolment count does not include students who cancelled their enrolment before the HEMIS census date if using HEMIS data sets.

In this document we refer to modules. However, in the HEMIS system, reference is made to courses. A course is a component within a programme of study for a qualification. It has these characteristics:

1. It is an identifiable teaching/learning component that may be undertaken in more than a year, in a year or semester or shorter period.
2. Student performance in the component is assessed and recorded in the central record system.
3. The component has a unique identifying “course code” which is assigned to it in the institution’s central record system.
### Teaching inputs

Teaching inputs provide one of the major avenues through which government funds are allocated to institutions. Teaching inputs are measured by using FTE student enrolments and weighting these FTEs based on their CESM categories and their level of study (honours, masters etc). It must be noted that the number of FTEs enrolled in year ‘n’ is used as a proxy to determine the actual grant allocation for year ‘n+2’. This means that the grant for any particular year is based on the enrolment two years previously.

### Teaching outputs

Teaching outputs are calculated as the number of graduates produced by an institution every year. The teaching output grant given to institutions by the government is based on a weighting of the number of graduates that they produce (as above), in combination with a normative assessment of the number that they should have produced in accordance with national benchmarks*.  


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**Note:** The information contained in the table above may not be applicable to all institutions. In addition to standardising terms and definitions across the institution, it is also important to standardise practices with regard to data sources and data use for different levels of analysis and decision making.

HEMIS data and definitions must be used as the norm, but it is also acceptable that operational data is used under certain circumstances. In all instances, the data source and date must be indicated. Standard reporting should reference the same data source. The Registrar’s environment is generally the custodian for student data and responsible for the accuracy and reporting thereof.

### Application And Selection

In many cases the Registrar is responsible for the application process. This could include the elements discussed below, depending on the level of centralisation or decentralisation, student records/documents, and the selection process of undergraduate, postgraduate, and/or international applicants. It is strongly advised to have an online application system for applicants to apply to institutions, purely based on the amount of manual work (data capturing) which increases the risk of data capturing errors and delays in getting applications captured for processing.

### Minimum Admission Requirements

Undergraduate minimum admission requirements and selection criteria should ideally be determined at faculty level and approved by Senate. Postgraduate minimum admission
requirements and selection criteria are determined by departments in conjunction with the faculty and all admission requirements are approved by the Faculty Board and then by Senate.

**Selection Of Students**

Minimum admission requirements and selection criteria are applied by selection officers\(^8\) for first-time entering undergraduate applicants, with support from more senior administrators\(^9\), ideally using an electronic system.

- Minimum admission requirements and selection criteria are applied by faculty officers for transferring or entering undergraduate applicants.
- Minimum admission requirements and selection criteria for international applicants are applied by the International Office with support from faculty officers.

Postgraduate minimum admission requirements and selection criteria are applied by departments, and programme coordinators in the department for a specific qualification with support from faculty officers.

**Number Of Students**

The Minister approves student enrolment plans for each institution, and for the HE system. The approved targets are designed to change the shape and size of the HE system, both in terms of enrolments and of graduates.

In accordance with the enrolment plan of the University:

- Postgraduate numbers are determined by the faculties in consultation with departments (enrolment plan).
- Undergraduate numbers are determined by the faculties in consultation with departments.

**Selection Office\(^10\)**

**Undergraduate**

The Selection Office should ideally be responsible for the following:

- The selection and admission of first-time entering applicants, including the processing of applications, which entails evaluating the applicants' preliminary Grade 11 results or their final Grade 12 results.
- The evaluation and assessment of documents submitted by transfer or entering applicants before the application is sent to faculties for final selection.

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\(^8\) This job title may vary from one institution to another, e.g. admission officer, faculty officer, administrative officer.

\(^9\) Also referred to as faculty officers, senior faculty officers, faculty administrators, etc.

\(^10\) The name of this office/section might differ from one institution to another.

\(^11\) At some institutions an Admissions Point Score (APS) may be used, whereas others might use percentages or symbols.
The selection and admission of permanent residence applicants. This includes evaluating the applicants’ school-leaving results and making a final selection decision based on these results.

Communication to the applicants throughout the selection process as well as for the outcome of their application.

Postgraduate Selections
The Selection Office is ideally responsible for the following:

- The evaluation and assessment of documents submitted by applicants before the applications are sent to faculties for final selection.
- Initial allocation of statuses before the applications are sent to faculties.
- Generic communication to applicants on all admission statuses.

International Admissions Office

Activities of the International Admissions Office
The Office is ideally responsible for the following:

- Administering issues of international students and particularly advising on the maintenance of specific rules and procedures to facilitate international student compliance and involvement.
- Gathering and channelling of the relevant information about aspects of international students with regard to compliance issues, enquiries about admissions or pre-registration requirements.
- Maintaining data on the student administration system.
- Liaising with Home Affairs on international student permit applications and/or renewals.
- Establishing client-friendly and accessible campuses for international students through contributions with regard to the planning and delivery of information services.
- Maintenance of the International Website.
- Provisioning of ongoing support and client services to international students with respect to compliance issues and admissions requirements.
- Cooperation with other administration departments and service divisions for the registration and support of international students.

Registration

Academic Structure
All processes start with the signing-off of the academic structure. Faculty administration has to ensure that all changes to curriculums are verified, and new curriculums created (using the prescribed format for creating qualifications and modules). These need to be submitted to the relevant office for capturing on the academic structure before the start of the new year. Each

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12 The name of this office/section might differ from one institution to another. In some institutions the support of international students might reside with a DVC and not with the Registrar.
institution might have different committees (e.g. Academic Planning and Development Committees) which are responsible for the coordination and execution of curricular programmes and changes.

It is advisable to have a system which can cap the number of registrations in line with the set enrolment plan of the institution. All pre- and co-requisites should also be captured for the registration system to validate (e.g. a pre-requisite for a mathematics module in the science faculty could be maths in grade 12 and not maths literacy). Each faculty should take responsibility for the academic structure of the faculty.

Qualifications

Offering types and site of delivery

The offering type of a programme is very important to define. The PQM (Programme Qualification Mix) defines the programme offering type by which the institution may offer a programme (e.g., full time or part time). The site of delivery is also defined through the approval process from DHET (e.g. institution and site — campus).

Rules applicable to a programme/qualification

- All new subsidised (formal) programmes must be approved internally by the Faculty, Senate and externally by the DHET for funding. They must also be accredited by the CHE and registered at SAQA. The University must receive written approval from the DHET before a qualification can be created and activated on the academic structure and students registered.
- All non-subsidised (non-formal) programmes must be approved by the Faculty before they can be activated on the academic structure.
- All subsidised (formal) programmes must be included in the faculty's rules and regulations and must be aligned with the DHET approved PQM for a specific academic year.
- Non-subsidised (non-formal) modules cannot be linked to subsidised (formal) programmes.
- Before a qualification can be activated on the academic structure, it must be ensured that the qualification complies with the Higher Education external policy framework. These include key policies affecting the reporting of student, staff and academic programme data by public higher education institutions, also known as HEMIS reporting for subsidy purposes.

Pipeline qualification and teach-out (or phase-out) plans

Teach-out or phase-out plans need to be developed, approved and implemented for each qualification that is being phased out. These teach-out plans need to be approved by the Faculty board as well as Senate. This process might differ between institutions.
Modules Presented in a Programme/Qualification

A unique identifying code should be created for a programme and module. To govern teach-out plans, a new code should be created for a new programme or module, the relevant information must be submitted in a timely fashion to the timetable division/office to be included on the relevant timetables.

Rules application to a module code

- All modules with the same contents should have the same module code regardless of the presentation of that module in different programmes/qualifications.
- If a module is offered at different levels for more than one qualification with the same study material and assessment criteria, it should have the same module code.
- If a module is offered at a number of levels, it must be coded at the lowest level at which it may be taken, and the University will only receive funding according to the lower level of the programme.
- A module linked to a subsidised (formal) programme cannot be linked to a non-subsidised (non-formal) programme and a unique/new code must be created even if the contents are the same.
- If a module has been offered as part of a non-formal programme, the same code cannot be used for a formal programme and a new code must be created.
- The “experiential training/learning” indicator must correspond with the approved PQM where an experiential component is approved. Please note that the DHET does not fund experiential training.
- A module can only be indicated as a major if the CESM category corresponds with the major areas of specialisation as indicated on the PQM.
- Two sets of credits are associated with modules: the DHET funding credits, and the SAQA credits representing notional hours of learning at a specific level.
- The statistical credit value of a module is the fraction that it constitutes of a full-time curriculum in a year of study of a specific qualification.
- A module must have the same statistical credit value for all offering types for a specific qualification.
- Modules may only be linked to the responsible department and faculty as being approved by Senate. Exceptions must be approved by Senate.
- A module may be undertaken as coursework, or as a project, a thesis, a dissertation or practical.
- Modules can only be offered in the first or second semester or as a year module. This means that a module cannot be offered as a semester-based and a year module.
- Before a module can be activated for registration, the relevant fee must be loaded on the module.
Changes to an existing programme/qualification
The academic regulations should specify when a programme must be re-submitted for approval as a new programme. For example, it might be that if there are more than 50% changes to an existing programme (during a particular submission or an accumulative 50% amendment), it must be resubmitted as a new programme for internal and external approval before it can be created and activated for registration.

New Programme/Qualification
A programme/qualification is classified as a new programme when:

- The programme has not been offered before.
- The name of the programme changes.
- The purpose, exit-level outcomes or field of study has been changed substantially (more than 50% content).
- The mode or site of delivery has changed.
- The change impacts on funding (PQM).
- The Classification of Educational Subject Matter (CESM) manual is applicable.
- If a master’s programme is changed from research-based to coursework or from coursework to research-based, it will be considered as a new programme.
- A new structure needs to be created for the new programme and the old programme must be phased out.

Registration Planning Process
The registration planning process goes together with the signing-off of the academic structure and setting up of quotas and pre- and co-requisites by the Faculty.

Preparations/set-ups are done on the student administration system to allow for both back-office (by administrators) and online (by students) registration. Students are managed; registered online and promoted to the next year of study or not, by the use of an annual result code (progressed sufficiently to be promoted to the next year of study). It is important that each Faculty creates promotion criteria according to the approved academic regulations of the University whereby it is stipulated that a student can only be promoted to the next year of study if the student has passed a certain percentage of the modules (e.g., 60% of the modules). This will also ensure that students cannot register for more than 1.5 stats credits, which is a HEMIS error when reporting and is designed to not allow students to overload one year of study with additional modules.

Definitions from an enrolment planning and management perspective (registration vs. Headcount)
Enrolment planning at the institutional level refers to headcount and not registrations. The Senate approved document for example, reflects headcount targets (HEMIS). Once the institutional headcount targets are approved by Senate, the Faculties begin detailed planning. In
the detailed planning phase, Faculties plan for registrations. The difference between headcount and registrations is illustrated diagrammatically in Figure 5. Registrations show the number of students that register at the beginning of the academic year for a specific qualification. Some of these registered students cancel prior to the HEMIS census date. Headcount refers to the number of students still active for a specific qualification after the HEMIS census date and counted for enrolment planning purposes. Cancellations before the HEMIS census date will decrease the headcount figures. Registrations in the second semester will increase the headcount figures.

**Figure 9. Registered Students Versus HEMIS Headcount**

**Governance for Registration**

To improve the governance and compliance with statutory and University rules and regulations at registration, the following are of importance: National Senior Certificate (NSC) endorsements. Endorsements are issued for each grade 12 learner on the NSC certificate based on the grade 12 results. This is the legal endorsement requirements which are set for admission to certificates, diplomas or bachelor's degrees for institutions. For example, if a grade 12 learner only has a diploma endorsement, he or she is not allowed to enrol for a degree programme, only a certificate or diploma.

The Registrar is, in most cases, responsible for ensuring compliance with statutory endorsement requirements. No Faculty or department may overrule these requirements.

**Pre- and co-requisites**

In many cases, Senate approves the pre- and co-requisites per module as determined by the Faculty Board (this might differ between Institutions). These rules are published in the Faculty Rules and Regulations. The Senate is guided by the Academic Rules. The pre- and co-requisites are then captured on the academic structure. The validation session is set up to test the applicable set-up in order for the system to validate these requirements during registration. No deviation is allowed from the Senate-approved pre- and co-requisites.
Admission to honours or a master’s programme

Admission may only be granted after the successful completion of the admission requirements. For example, in basic terms, an honours degree is the entrance requirement for a master’s programme and a master’s degree is the entrance requirement for a doctoral degree. Institutions should also have a formal policy and process for students to apply for “recognition of prior learning”. This will allow a student special entry (if approved) into a programme based on knowledge and experience gained without a formal qualification.

Post registration

After registrations it is important to evaluate whether the allocated venues on the timetable will be sufficient. Ideally there should be a system report to verify the number of registrations against the venue capacity.

Historical changes

There could be, for example, a legitimate reason why a student's result was not captured correctly on the student administration system. Then after the data has been reported for HEMIS subsidy purposes, it was identified for correction. These are referred to as historical changes or student record corrections.

Historical changes have major financial implications for the university and every possible precaution has to be taken to ensure that there are no historical changes. Students whose results are changing from a fail to a pass and from not obtaining a degree to obtaining a degree after the HEMIS submission have major subsidy implications for the university.

Assessments

There should be specific policies in place governing the assessment process in the university. As this is a crucial function in the University, Faculties and students have to adhere to these policies. These policies, rules and regulations (at some institutions also referred to as the Senate Standing Orders on Student Learning and Assessment) must clearly stipulate the calculation criteria for marks and results.

Internal Auditing Strategy

The Internal Auditing Strategy should be set out in the policies and procedures (at some institutions it is called the Policy on the Management of Assessment Results, or part of the Academic Regulations or Senate Standing Orders). The Faculties are usually accountable for the implementation and monitoring of the respective Faculty internal quality control processes and procedures for marks and results.

Faculty Assessment Committees

Institutions operate differently and, in some cases, there might be a formal committee that oversees this function in the Faculty. Mostly the function of the Faculty assessment committees
is ultimately to sign off on the progress of students, be it to graduate, repeat, be promoted or be excluded for academic reasons. Although it might be administrative staff working through the annual results of the students, it is typically the assessment committee that is responsible for the final sign-off.

It is recommended that a list of modules is attached to each annual report of a student to indicate which modules have been completed and which are outstanding to ensure the correct identification of graduates. This committee should ideally also be responsible to sign-off on graduates after an audit has been done to confirm that the student has completed all the academic requirements for a programme.

**Awarding of Qualifications**

The Faculty approves the awarding of a qualification to a student (after assessing the compliance with the requirements for a particular degree and/or degree cum laude). In many cases there might be a central audit process or Faculty audit process to ensure good governance. The issuing of certificates should be segregated from the academic department (and this committee) and resides under the Registrar. This ensures that the certification office does not issue certificates for students who have not completed all the modules (they should not have access on the system to mark a graduate). Access to printing of certificates should be limited to a dedicated office under the Registrar’s responsibility.

**Graduation**

Guidelines for Registrars regarding the conducting of the graduation ceremony should be available and will differ from institution to institution. The Registrar is normally accountable for the overall management and coordination of graduation ceremonies and the certification process.

**Data Quality Management Cycle**

Normally the institution would have internal controls to ensure compliance with business rules and data quality (this process might be different between institutions), for example:

- Only Senate-approved programme changes would be captured on the student administration system’s academic structure. This function should ideally be a centralised function to ensure compliance with DHET Rules and Regulations (the Academic Structure includes the qualifications, modules and pre- and co-requisites).
- The Academic structure is signed off by each faculty on an annual basis.

The student administration system should be enhanced to verify compliance with the following critical data elements:

- Compliance with Grade 12 endorsement requirements for Degrees, Diplomas and Higher Certificates.
- Compliance with pre- and co-requisites as defined on the academic structure.
• Admission documentation.
• Lecturing and examination timetable clashes.
• Applicable progress code for the academic year of study.
• A minimum and maximum number of module registrations.
• After registration, the Faculty officer verifies the registration data for completeness and correctness and compliance with the Faculty Rules and Regulations by working through the individual student’s registrations (e.g. to make sure a student has not registered incorrectly).
• Assessment marks are signed off by the Examiner, HOD and Dean.
• Academic departments verify the quality regarding the calculation of marks.
• The calculation criteria are signed-off twice per year before each semester final assessment opportunity by the Faculty.
• After each final assessment opportunity, the progress of the student is assessed and a progress code is assigned by the faculty office and approved by the department/faculty assessment committee.
• The identification of graduands/diplomates is signed off by a senior academic administration employee and verified by a second senior employee and approved by the Faculty Assessment Committee.
• A Faculty Assessment Committee monitors success rates.
• Certification is centralised to mitigate any risk. A certificate can only be issued after the relevant graduation code has been assigned by Faculty administration. Each certificate is audited for correctness and signed off by a Senior Administrative Officer.

Data Quality Management Cycle (External Controls)
• The external auditors should perform annual audits on the reliability of the student data before the subsidy claim submission (HEMIS submission) and certification.
• The internal auditors perform annual audits on high-risk areas as defined in typically an Academic Administration risk schedule.

Mitigation of Academic Administration Data Risks
Academic Administration risks should ideally be mitigated as follows:
• Declaration of confidentiality/conflict of interest. All Academic Administration employees complete a declaration of confidentiality/conflict of interest on an annual basis. All declared conflicts of interest (relatives, friends or personal registrations) are assessed and monitored on a regular basis by means of system log files.
• System access controls. Student administration system access control should be managed on a basis of an approved system access policy. Access should be reviewed at least once per semester. Reviews should be signed off and documented.
• Division of duties. Regular system access verifications are performed on high-risk menu options to ensure that a single employee cannot create, register and load marks. Duties should be assigned in line with the employees’ job profile.
Data error reports
The institution should have an electronic data reporting system that verifies a number of different student data elements. These error reports should be electronically scheduled on a daily, weekly or monthly basis depending on the nature and urgency of the errors. All error reports should ideally also include a fixing procedure. The error reports are sent to responsible staff members for rectification. Major errors have to be rectified immediately as it has an influence on data quality and important daily statistics as well as the HEMIS submissions.

HEMIS submissions
There are three student HEMIS submissions for a reporting year. There are submissions in April, June and October, which are then audited before final submission. The University receives funding based on the HEMIS submission of the University — therefore, data quality is very important and all errors need to be corrected before submissions.

University policies
University policies should be available on the University intranet and internet (depending on the nature of the policy). Typical policies of importance for the Registrar are, among others:

- Academic Calendar.
- Academic Regulations.
- Admission Policy.
- Registration Policy.
- Academic Certification Policy.
- Graduation Policy.
- Certification Policy.
- Assessment Policy.
- Retention of Documents Policy.
- Timetable Policy.
- Creation of new modules/programmes and the amendment of existing programmes Policy.
- Institutional Postgraduate Policies and procedures.

Faculty regulations
Each Faculty should also have its own regulations covering faculty management aspects. All Faculty regulations should also ideally be published in the Faculty yearbooks on the internet. Any regulations that deviate from the University policy must be approved at Faculty board level and published in the year.
This following excerpt was extracted from an Assessor's Report on an institution that was placed under administration and captures very succinctly the importance of the secretariat's role in effective governance at universities.

The Registrar has responsibility for Committee Services in his [her] portfolio. [The Registrar] has to ensure that the Minutes of Committees are faithfully recorded, duties assigned, and that those allocated tasks are aware thereof, and that they carry out and report at the next meeting.

It is fair to say that the lapses of governance at the institution are due in part to the failure of the Registry and Committee Services — the quality of reports, the quality of minutes, follow-up on Matters Arising and keeping proper records. From our observation, we found that the Minutes of Council Meetings were sanitised by the intervention of the Chairperson or the Vice-Chancellor, not clear enough about decisions and resolutions, as well as who the actors were. Tampering with the Minutes, so the charge goes, is common at XXX. The result is that the setting of the Council Agenda was left to the Chairperson of Council, and the Registrar did not deem it necessary to consult with the Vice-Chancellor about the Agenda. When the Office of the Registrar does not function effectively there is more at stake than just meetings. It is that the integrity of the academic management of the University may be compromised and the quality of the academic qualifications may be in doubt.

The role of the Secretariat in upholding the governance responsibility of the Registrar cannot be overstated. Understanding the governance structure of committees, where responsibility and accountability rests, quorum, membership, members in attendance, the significance of accurate minute-taking and recording of meeting resolutions, and being able to advise committee Chairpersons on process and procedural aspects of meetings (in the absence of the Registrar), are intricately woven into good governance of universities. In an increasingly litigious environment, consistency of the structure and format of meeting packs, agendas, minutes, resolutions and processes across the institution is of paramount importance. This makes training of all persons involved in supporting statutory and related committees a core component of the

Understanding the governance structures is a crucial part of the Registrar’s duties.

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13 The above extract provides an appropriate backdrop for this chapter (considering the sensitivity of the matters discussed names are not revealed).
Secretariat’s responsibilities.

This chapter is presented using a Question and Answer (QnA) methodology to make it easier to read and reference.

Q: Why is the Secretariat in the Registrar’s Division?
A: The Registrar is the statutory secretary to the university governance structures established in terms of the HEA and/or Institutional Statute. The secretariat’s role is to assist the Registrar to fulfil his/her secretariat role. The Registrar is the custodian of governance in a university and is the secretary to the two main governance structures of a university, Senate and Council, and its sub-committees. Meetings of these two structures and their sub-committees must be recorded accurately and diligently in order to reflect the decisions that were taken. Minutes of all meetings are official records and must be able to withstand legal scrutiny. As the secretary, it is the responsibility of the Registrar to ensure that meetings are arranged appropriately, in accordance with institutional rules, and are supported adequately.

Q: What is the role of the Secretariat?
A: The secretariat assists the Registrar in carrying out his/her duties as secretary of Senate and Council. The secretariat schedules, prepares for and supports committees before, during and after meetings. Committee officers must ensure that committee memberships are updated as new members are appointed and terms end for others. Having an accurate, up-to-date membership list is critical to ensure that official documents (meeting packs) are not sent to persons who are not members. Members of the secretariat should be trained in minute-writing, protocols during meetings (they are not members of the committee and should not participate in discussions). The secretariat staff (committee officers) support committees and the Chairpersons of committees. They should be able to guide and advise the Chairperson on governance matters, for example, quorum and members in attendance; where the decisions that are taken serve next; are decisions taken for recommendation or approval; what are the voting procedures that may apply in a particular committee; and so forth. One of the most important roles of committee officers is to ensure that the minutes are an accurate record of the meeting.

The secretariat provides support to statutory governance bodies, such as Council, Senate and its sub-committees, the Institutional Forum and Convocation. Faculty committees, which report to Senate sub-committees and Senate, are normally supported by faculty secretariat, with the exception of a few institutions.

Q: Which committees should the secretariat serve and which committees are supported through faculties /departments
A: The statutory committees of Council, Senate, and their committees, and joint
committees of Council and Senate are usually included in the Registrar’s portfolio. There are various other committees across the university, such as Faculty committees or management committees which ultimately feed into the above committees. However, not all of these may be supported by the Registrar’s Office. In certain instances, sub-committees or task teams of committees of Senate may be supported by administrators who fall outside of the ambit of the Registrar’s Office. The importance is that their recommendations should be tabled at the committees of Senate and form part of these records, onwards to Senate.

Q: How is conflict of interest managed?
A: If a member of a committee has a direct conflict of interest with an item on the agenda then the committee officer should be advised thereof and the member recused from the meeting during the discussion of said item. The committee officer must guide the Chairperson on this process. What is generally helpful is to provide briefing notes to the Chairperson on each meeting at least a day before the meeting and matters such as recusals are included in these notes.

Q: What are statutory committees and what is their role/status?
A: Statutory committees are committees as stipulated by the HE Act as well as the Institutional statute. The main committees as required by the Act are Council, Senate, and Institutional Forum. The Act states that other committees as deemed necessary for the effective functioning of a university and which can assist the Council as the highest governing structure must be established. These may include: Executive Committee of Council, Executive Committee of Senate, Audit and Risk Committee, Finance Committee, Nominations/Membership Committee, and Honorary Degrees Committee. Each university has its own set of committees as approved by its Council. These are formal committees and their membership has to be approved by Council or Senate (depending on which governance structure it belongs to). In instances of joint committees, Council remains the highest approval body.

As a statutory requirement for meetings of Council and committees of Council, the number of external members must always exceed the number of internal meetings. This contributes to the integrity of the decisions and the Council cannot be considered to have been unduly influenced by internal members of the institution.

Q: Governance and accountability of secretariat members representing the Registrar.
A: The secretariat provides support to the Registrar. Members of the secretariat are committee officers who provide administrative support to committees. Essentially each committee officer represents the Registrar on a committee and at a meeting. This implies that committee officers should be proficient in advising Chairpersons of committees on procedural and governance matters. In order for this to take place, the Registrar should ensure that committee officers receive the requisite training thereby
ensuring compliance with committee remits/terms of reference, processes and policies. Ultimately the Registrar is accountable for whatever the committee officer/s produces.

Q: Why the need for accurate recording of resolutions and minutes?
A: Minutes of meetings are the official record of governance matters, including the governance processes observed in decision-making. Minutes are required to be an accurate recording of meetings and its decisions as these serve as the only official record of meetings. In the event of a dispute or requirement to report to various bodies, including the DHET, accurate records have to be produced. Disputes may also lead to litigation. Meeting minutes and resolutions may serve as a source of evidence or proof of the discussions and decisions taken at the meeting. This highlights the need for accuracy of discussions and resolutions. Once minutes are approved by the committee it may not be changed. Each set of minutes, after the committee has approved it at its next meeting, must be signed off by the Chairperson.

Q: Virtual meetings: Dos and Don'ts and meeting protocols.
A: Virtual/online meetings are official and need to be treated with the same amount of rigour as physical meetings. A meeting protocol should be developed which outlines the ‘rules’ of attending a meeting virtually. Matters of confidentiality, recordings, signing of declarations of conflict of interests, keeping the camera switched on while speaking, not permitting uninvited guests to ‘attend’ the meeting, among other matters, need to be clearly communicated to each committee, and at every meeting. While the ‘chat’ function is often used for comments and/or questions, where these have not been addressed via the Chairperson the comments are not included as an official part of the discussion. Obtaining approvals, online voting, managing who are eligible to vote by placing members in attendance in a waiting room are all integral to good governance.

Q: What happens when a meeting is not quorate?
A: Inquorate meetings have no decision-making power. Institutions should specify the process to be followed in the event a quorum has not been reached for a meeting. In certain instances, meetings may be rescheduled, while in others the remit allows for a certain waiting period (15 minutes) after which the meeting may proceed. However, decisions taken by the inquorate committee will need to be recorded as such or submitted via round robin/Chair's circular to the full committee for a decision.

Q: What do you do with people in attendance: Senate and quorum requirements?
A: Each institution has its own rules about what constitutes a quorum, and this should be included in the committee remit. For Senate, where the academic (professorial) membership is not based on election or appointment for a fixed term, calculating the quorum would exclude staff who are on sabbatical. People who are in attendance but are not included in the quorum calculations, do not have voting rights. Committee
officers should have a list of such members to ensure that they do not participate in any ballots. It is also considered good governance practice in meetings of Council and committees of Council, that the number of external members must always exceed the number of internal meetings. This contributes to the integrity of the decisions and the Council cannot be considered to have been unduly influenced by internal members of the institution.

Q: Guiding documents to consider (Statute; Institutional Rules) and why these are critical to meetings
A: A Registrar should always have a copy of the institutional statute, the institutional rules, and HE Act on hand at meetings. It is important to consult these together with the remit of committee where there may be doubt about a particular process or matter. A Registrar should always consult the relevant policy or rule to avoid giving incorrect advice.

Record-keeping of meetings
Guiding documents
Earlier in the chapter (section 1), the various statutory committees and their roles were presented/discussed. These committees meet regularly, and their meeting cycles are as set out in the Institutional statute and Institutional rules. Throughout this Handbook, reference is made to these two extremely important documents (Institutional statutes and Institutional rules) and you should be familiar with these and their roles.

This section considers parts of these documents that guide in record-keeping of statutory committee meetings.

Q: What information is collated in terms of record-keeping and meetings?
A: Minutes of meetings are a critical component of the records within the Registrar’s Division. As secretary to Council, committees of Council, Senate and its committees, the Institutional Forum and various joint committees of Council and Senate, the Registrar’s Division is also the custodian of these records. These records contain all important decisions as made over time by the University.

In a previous chapter the roles and responsibilities of the Registrar in terms of good governance were discussed. Included in the responsibilities of good governance is establishing a good system of record-keeping.

Information collated should be guided by the agenda of a meeting, together with all the supporting documentation considered at the meeting. The Register, as signed by those in attendance, together with declarations of conflicts of interest with items on the
agenda should also be collated and stored. Approved minutes, once signed-off by the Chairperson, form part of the collated records.

Q: Which documents guide the manner of record-keeping?

1. Institutional Statute.
2. Institutional rules / Committee Charters.
3. Guidelines or policy on record-keeping in terms of minutes/archiving of records.
4. Information and Technology policies and guidelines on storage of records.
5. Protection of Personal Information Act.
6. The above is not an exhaustive list. Familiarise yourself with the documents at your institution that guide record-keeping.

Q: How do these documents guide record-keeping?

A: University documents such as statutes, rules and policies differ across institutions. Some statutes, for example, may contain detailed and in-depth processes and procedures which may guide the manner in which meetings may proceed, include the meeting quorum, while in other universities, these details may be found in the university institutional rules/committee charters/terms of reference/remits.

Ultimately, familiarise yourself with the documents that guide record-keeping at your university.

Q: What would the records for meetings entail?

A: Records can be divided into three sections:

Before a meeting:
The importance of preparation (for example, membership lists and updates of registers and email addresses, and so forth) contribute to a seamless flow of meetings. These preparations include identifying members of the committee, those in attendance; persons by invitation; timeframes for notices; calling for agenda items; clear preparation of agendas; and circulation of documentation.

1. Accurate registers in line with the composition of meetings. Registers should clearly reflect:
   • the titles, initials and surnames of all persons;
   • the constituencies that elected them, where relevant, for example, if it is a Council register it should indicate ministerial appointments, Senate appointment, academic staff appointments, and SRC;
   • an indication of members of Council, those in attendance and those by invitation; and
   • institutions may also have a column for conflicts of interest (with an item/s on the agenda).

2. Proof of the notice of meetings and first call for agenda items (the statute or institutional rules will guide on the period of time in which this should take place).
3. Proof of the second (final call) for agenda items.
4. The final agenda and documentation which should be sent to all persons (members and those in attendance) within the period of time as stipulated in the guiding documents.

During the meeting:
1. The committee officer should work closely with the Chairperson, advising the chair of declarations of conflicts of interest; providing guidance on quorum and apologies; ensuring audio recording of meetings; accurate recordings of decisions/resolutions.
2. The committee officer should also ensure that there is a signed register of all present at the meeting. This is evidence of persons who have attended the meeting. This may be an e-/manual signature or may be a log-in list (Zoom/Teams, etc).

After a meeting:
1. During this process the committee officer ensures the completion of the draft minutes for checking by the Registrar and then the Chairperson; implementing the amendments of the approved minutes of the previous meeting for sign-off by the chair for record-keeping; advising relevant structures/persons of decisions/outcomes.

During this period the committee officer ensures:
1. The draft minutes are completed as stipulated within the institution's rules.
2. Input from the Registrar and the Chairperson into the draft minutes.
3. Where appropriate, circulation of the draft/unapproved minutes to members for comment.
4. The approved minutes of the previous meeting as confirmed at the meeting of the committee should be signed by the Chair. Any amendments should be recorded in the minutes of the next meeting.
5. Once the approved minutes and signed attendance registers have been stored and backed up, all earlier iterations, as well as the recording of the meeting, are destroyed.

Q: Why are the above processes and timeframes important?
A: If not adhered to as per the guidelines, it may render a meeting null and void, if the timeframes, as agreed at each institution, change. For example, a notice of an ordinary meeting of Senate should be sent at least fourteen working days before the meeting, and it is only sent twelve working days before the meeting, this may be challenged and render the meeting incapable of making legitimate decisions. Or, if a member does not receive the notice, or documentation for the meeting, they may also argue against the legitimacy of decisions taken at the meeting.

Diary and timeframes of meetings
It would be chaotic if the secretariat did not understand the structure and flow of committees and decision-making. It is the responsibility of the secretariat to plan the diary and timeframes of all activities so as to ensure that the academic cycle runs efficiently. The Registrar, together with the secretariat, plans the almanac annually. A full schedule of all meetings of Council, Senate, and its committees should be presented to Council at its last meeting of the year, for information. Each committee officer circulates the dates of meetings for the following year to each committee.

An example of the cyclical flow of meetings is presented below. Note that this may not be the same for all universities. The chart acts as an example only and may be adjusted.

**FIGURE 10. FLOW CHART OF COMMITTEE MEETINGS FOR APPROVAL OF DOCUMENTS**

**STATUTORY COMMITTEES AND THE SECRETARIAT**

**Council**

**Senate**

**Executive Committee**

**Institutional Forum**

**Faculty Board**

**Budget Committee**

**Institutional Forum**
Matters of the Institutional Forum may be presented directly to Council.

**Academic matters:**
Faculty Boards, Committees of Senate (eg teaching and Learning/Institutional Planning/research) – Senate onwards to Council

**Financial, remuneration, audit, risk and other matters:**
First there would be a sitting of university committees eg budget, risk committee, infrastructure committee. Decisions from these committees would then flow into the relevant committee of council such as the Finance committee or the audit and risk committee, onwards to Council.
What does the flow-chart reflect?
The flow chart reflects the order in which statutory meetings are scheduled. It is important to note that all matters requiring approval will serve at the Council meeting which should be the last committee meeting of each term.

Secretariat and working with administrators across the university.
Not only are there statutory meetings within institutions, but a myriad of other meetings, many of which are not managed by the secretariat. Yet all these meetings form a critical part of the university's governance system. Each resolution taken at each meeting, has to be made and captured in a manner that reflects a working and efficient system, in which processes are standardised and record-keeping is accurately and efficiently maintained. The committee officer’s responsibility is not only within the secretariat. All meetings at which decisions are made, must be accurately recorded and documents/records efficiently stored.

Q: Why should the secretariat work with administrators across the university?
A: Consistency in meeting processes and record-keeping is necessary. In an increasingly litigious environment, consistency of the structure and format of meeting packs, agendas, minutes, resolutions and processes across the institution is essential. It is for this reason that training of administrative staff, committee officers, as well as committee support staff across the university, is provided by the Registrar's office, where possible.
Chapter Five: Regulations for Reporting by Public Higher Education Institutions

Drs Thandi Lewin, Phillia Vukea and Pearl Whittle

Background

Public higher education institutions (HEIs) enjoy considerable autonomy. This autonomy makes it important that the organs of governance and management of these institutions account to both internal and external stakeholders in a consistent and prescribed manner.

Higher education institutions should have effective governance and management processes, which can easily demonstrate that proper accountability for the use of public and private funds are being exercised.

The publication in 2003 of the Annual Reporting Regulations for Higher Education sought to strengthen government’s role in ensuring that institutions report on their activities. This was revised in 2014, when the Minister of Higher Education and Training approved the Regulations for Reporting by Public Higher Education Institutions (GG37726, 9 June 2014), aimed at improved institutional accountability. The reporting regulations were drafted with an underpinning view of governance and management principles as outlined in the King Reports on Corporate Governance in South Africa. In addition, the Department of Higher Education and Training (DHET) has developed an implementation manual for the Reporting Regulations as a guide to public HEIs for compiling their annual report and this is attached to the Reporting Regulations.

Purpose

The primary purpose of the Regulations is to provide stipulations for reporting by public higher education institutions aimed at ensuring minimum standards of reporting by governance structures and by the management of these institutions. The Regulations provide the legal framework for reporting by all public higher education institutions (PHEIs) required from a council and management team of a PHEI so that they exercise their fiduciary and managerial responsibilities in a transparent manner; implement mechanisms that will ensure good corporate governance; and give regular account of the results of exercising their delegated powers. The Regulations therefore constitute the determination of the Minister of Higher Education, Science and Innovation in terms of the Higher Education Act, 1997 (Act No. 101 of 1997).
Timeline for reporting components

These regulations prescribe the following of immediate concern to management and Councils of universities:

1. Production of a strategic plan every five years. Each public higher education institution must prepare a strategic plan setting out the institution's vision, mission, policy, priorities and project plans for at least a five-year period and which must be approved by its Council. A Strategic Plan must have strategic goals and objectives for the institution, focusing on each of its main service delivery areas supported by the financial plan. The Strategic Plan must lay the foundation for the development of the Annual Performance Plan (APP).

2. Submission of an Annual Performance Plan aligned to the strategic plan containing appropriate performance targets. Each institution must submit an APP to the Department annually which must be consistent with the Medium Term Expenditure Framework (MTEF) period; contain performance targets; be aligned to the Strategic Plan; identify a core set of indicators to monitor institutional performance; submitted by 15 December of each year for year n+; linked to the strategic goals and objectives as stated in the public higher education institution's Strategic Plan; include commitments and/or agreements that the Council has made to/with the Minister (such as enrolment targets, earmarked grants and infrastructure projects); and include plans for meeting the strategic success factors identified by the institution.


4. Submission of a Mid-Year Performance Report. The Mid-Year Performance Report provides a progress update on the enrolment (size and shape) and on financial performance of the institution against the Annual Performance Plan, and must be submitted to the Department by 30 November of each year.

5. Submission of an annual report and annual financial statements by 30 June annually which must include the following:
• a report on the work of the institution and the extent to which the objectives as set out in the Annual Performance Plan (APP) have been met, and the extent to which the institution believes that it has met the objectives and goals of its Strategic Plan and include the following information for year n-1;

• the report of the Chairperson of Council which must include the Council’s assessment of the performance and degree of progress towards achieving the objectives set for the period under review in relation to the targets set for that period in the APP;

• a list of Council members and their representative constituency, who served during year n-1, as well as a list of the members serving at the date of adoption of the report, indicating in each case the provision of the statute of the institution under which each member served, together with a list of the executive members of the Council;

• the statement of Council on governance;

• the report of the Chairperson of Council which must include the Council’s assessment of the performance and degree of progress towards achieving the objectives set for the period under review in relation to the targets set for that period in the APP;

• the statement of Council on sustainability;

• the statement of Council on transformation;

• the report of Council on risk assessment and the management of risk;

• the report of the Vice-Chancellor on management and administration;

• the report of the Institutional Forum to the Council;

• the statement of the Finance Executive Manager and the Chairperson of the Finance Committee on the financial results;

• the statement of the Audit Committee on how it has fulfilled its duties;

• the audited financial statements, which must comply with the International Financial Reporting Standards (IFRS) where the consolidated Statement of Comprehensive Income should differentiate in separate columns between Council controlled unrestricted and designated, restricted, and student and staff accommodation restricted. The annualised gross remuneration for Executive Management is disclosed in a note showing the gross remuneration paid to each individual in their executive capacity and separated gross remuneration paid to him or her by the institution for other services; and the gross remuneration of each Council member paid to him or her for his or her work as a Council member, disclosed in a note to the annual financial statements; and

• the report of the Independent Auditor on the Annual Report must include any other information such as supplementary financial data (on a CD, via e-mail or other form and as an attachment to the annual report) verified by the external auditor.
6. The University, in its submission, must ensure alignment between the following institutional plans and instruments: Strategic plan, annual performance plan, annual report, budget documents and mid-year performance report. All reports must be signed and approved by the Council before submission to the Department.

What are the consequences for non-reporting?
It should be noted that there are concerns that some Councils do not understand the legal implications of not adhering to these regulations, for instance, by submitting late or not complying with the reporting framework. This can reflect negatively on an institution, in terms of governance and management. It is important that institutions also pay attention to the stipulations of the Regulations in as far as the depth of coverage and the details of the information provided.

Council self-assessments
Between 2015 and 2017, the DHET led the process of developing governance indicators. This document emanated from continued challenges with regard to governance, administration and management which were revealed through the work by Independent Assessors. The governance challenges stemmed from, among other things: inexperience and a lack of required expertise among some council members; fraught relationships between councils, executive management and members of staff; a failure of leadership especially at the level of Chairpersons of Councils; failure of members to execute a fiduciary duty; unethical conduct by some council members; and non-adherence to proper meeting procedures.

As a result of these governance challenges in the system, government committed to develop governance indicators and monitor the governance practices of universities.

As a result of these governance challenges in the system, for the 2014-2019 Medium Term Strategic Framework (MTSF), government committed to develop governance indicators and monitor the governance practices of universities. It was targeted that 70% of universities would meet standards of good governance by March 2017. This was the context in which the Department developed the good governance indicators and it influenced both the approach and content of the indicators.

The self-assessment Scorecard is tailored to a university context and covers five categories that together provide comprehensive coverage of governance matters at South African as follows:
Each of the five categories includes a set of mostly qualitative questions or indicators and a scoring methodology, and each question or indicator is designed to ensure that the responses will help determine how closely the council of an institution has operated, relative to good governance indicators.

The recommendation has been that the initial governance assessment is to be conducted by the executive committee of Council and this assessment must then be presented to Council itself for discussion, amendment and final approval. The scorecard is to be signed by the Chairperson of Council, the Vice-Chancellor, and the secretary of Council (Registrar) containing a declaration that the final outcome carries the approval of the whole Council.
Despite the recommendation, several institutions have opted for a different approach whereby the assessment is performed by a variety of members in order to solicit a broad range of feedback into the performance of the Council. While this approach is more likely to provide open, honest and uncensored responses, the downside is that newly appointed members may not have acquired enough experience on the Council or have sufficient knowledge to provide an accurate or informed assessment.
Chapter Six: Navigating External Stakeholder Relationships

Dr Diane Parker

Introduction

Public universities have an important role to play in society. The National Development Plan (NDP) stresses that universities are key to developing the nation, through three main functions in society:

- educating and training people with high-level skills;
- producing new knowledge, critiquing information and finding new local and global applications for existing knowledge for a changing society and economy; and,
- providing opportunities for social mobility, strengthening equity, social justice and democracy (The Presidency; 2011; page 318).

While the NDP may highlight these roles, African universities are often portrayed as being ‘ivory towers’, elitist institutions that see themselves as apart from the concerns of their communities — aloof, unaccountable and disengaged (Teferra and Tamrat, 2020).

Within the South African system there are a number of stakeholders, internal and external, some more formal than others, with whom institutions need to build relationships to ensure that they create the conditions for their continued growth, responsiveness and relevance. This chapter identifies and explores some of the external stakeholders, or publics, their role within the higher education landscape and the kind of relationships, compacts and partnerships that are needed to support a thriving and respected public higher education system as well as strong individual institutions.

The first group of stakeholders identified are the variety of national and provincial governments and departments that universities need to work and build relationships with, and linked to this the oversight role of Parliament. The second group are the various statutory bodies that institutions must engage with in relation to the regulation of the system and funding of students and research. Finally, a range of other non-governmental, civic, business and industry stakeholders with different interests are considered.

Accountability to the public

Often, we hear about the public purse that contributes significantly to the funding of public universities, and the importance of public accountability for the utilisation of these funds. In terms of the schedule 4 of the Constitution of the Republic of South Africa (Act
No 108 of 1996), higher education is a national competence and falls under the executive authority and governance of the national Minister responsible for higher education, currently the Minister of Higher Education, Science and Innovation\textsuperscript{14} (referred to from now on as the Minister).

In South Africa, public universities are established under the Higher Education Act (Act 101 of 1997, as amended; henceforth referred to as the Act). While each institution has its own Statute, published by the Minister in terms of the Act, and as guaranteed by the constitution, it enjoys academic freedom and institutional autonomy and is directly governed by its Council. Each institution is subject to the policies and regulations published under the Act and is accountable to the public in terms of the funding it receives. The bulk of public funding that universities receive is provided for through the Medium-Term Economic Framework (MTEF), a three-year rolling budget, that is updated annually and allocated through a Vote of Parliament (Vote 15: Higher Education and Training), and distributed to universities by the Department of Higher Education and Training (DHET).

Parliament is the legislative authority of South Africa and has the power to make laws for the country, in accordance with the Constitution. It consists of the National Assembly (NA) and the National Council of Provinces (NCOP). The NA makes laws and sets policies for the country and plays an oversight role over the various executive portfolios which fall under national competencies, through establishing a range of portfolio committees with assigned powers and functions. The Portfolio Committee on Higher Education, Science and Innovation (PCHESI) has the mandate to deliberate on bills covering Higher Education and Training (as well as Science and Innovation) and to scrutinise and report on the annual budgets and strategic plans of the DHET and entities and institutions falling under it. The PCHESI has the responsibility to determine whether the departments and their entities are delivering on what they promised and whether they are spending the public money they receive in a responsible manner. As part of their oversight work, the PCHESI may also do site visits where they find out directly from the people at ground level whether the government is delivering on its promises.

While public universities are not entities regulated under the Public Finance Management

\textsuperscript{14} Since 1994, the national Ministry responsible for Higher Education has been reconfigured three times. Initially it was under the Minister of Education, administered by the erstwhile Department of Education. In 2009 there was a reconfiguration of national responsibilities for education and training, and a new Ministry and Department were formed which separated the responsibility for basic education (pre-schooling and schooling) from higher education and training (which now included higher education, further education and training, skills development and adult education). From May 2009 to April 2019 the responsible Minister was the Minister of Higher Education and Training, and the function was administered by the Department of Higher Education and Training (DHET). In May 2009, with the 6th Parliament, the Ministry was reconfigured again, and this time one Minister, the Minister of Higher Education Science and Innovation, was given the responsibility for two administrative Departments – the DHET and the former Department of Science and Technology.
Act (Act No. 1 of 1999, as amended), they are considered ‘organs of the state’ and receive considerable funding from the public purse through the DHET. Therefore, as part of its oversight of the DHET, the PCHESI has the right to call public universities to account, and to undertake visits to campuses as part of their oversight function. The PCHESI is therefore an important stakeholder of all public universities. Its public pronouncements on universities have a resonance in public discourse and can have a profound effect on an institution's reputation. Universities need to recognise the role of Parliament and the PCHESI and familiarise themselves with the members of the committee. If called to account they are obliged to respond honestly and transparently to requests for information, to attend meetings and to welcome the PCHESI to their campuses if requested to. The politicians on the PCHESI are the representatives of the people, and therefore it is important to keep the relationship respectful and informative. Information on the PCHESI can be found at https://www.parliament.gov.za/committee-details/148. The Parliamentary Monitoring Group is an NGO that provides an information service to the public on all activities of parliament, including the PCHESI. Its website, https://pmg.org.za, provides reports on the various meetings and deliberations of the committee and is a useful source to understand the committee and its modus operandi.

The Minister and DHET are regularly called to account on all aspects of the post school education and training (PSET system) by the PCHESI. Universities may find it helpful to engage with the DHET when called to account to the PCHESI so that the Minister is aware of the issues and perspective of the university prior to any specific engagement.

The Minister is the executive authority for the DHET, and as such is responsible for all policy making decisions and has overall political and executive governance responsibility for the work of the DHET which implements the policy. The work of the department is managed through the office of the Director-General (DG), who is the accounting officer, supported by a number of Deputy DGs who have specific operational and administrative responsibilities within the department.

The relationship between public universities and the Ministry and DHET is critical to the sustainability and development of the sector. This relationship, while each sphere has its independence, needs to be one that builds trust, mutual respect and cooperation. In the past there have been times when this trust has been on rocky ground to the detriment of all involved. Cooperative governance is seen as a critical element of a strong university sector, and its success depends on all parties involved. Universities South Africa (USAf) plays an important role in this regard. As an umbrella body representing the 26 public universities, it is able to engage at a national level in the interests of the sector as a whole, understanding its role as promoting and facilitating “an optimal environment conducive for universities to function effectually and maximally contribute to the social, cultural, and economic advancement of South Africa and its people… (and) enables universities to contribute to resolving immense global challenges” (see https://
The DHET is responsible for regulating the university education system in line with legislation and policy, managing the distribution of state subsidies and providing oversight in terms of public accountability for the subsidy funding universities receive. The DHET provides significant subsidy funding for all public universities, with the lowest contribution from subsidies to the budget of a university in 2020 (excluding National Financial Aid Scheme [NSFAS] funding which supports students to pay their fees) being in the order of 25% of its annual budget and the highest at 74%, with the average (and median) for the system at 46%. Universities have a responsibility to use this funding effectively to ensure quality higher education though learning and teaching, as well as research and engagement. Given that the vast majority of universities' state funding is managed through the DHET it can be considered as the public university system's primary stakeholder. Clear communication, cooperation and collaboration between institutions, the Ministry and the DHET are essential for a strong system and underpin the concept of cooperative governance which is embedded in the Act.

It is important for universities to distinguish governance and policy matters from management, support and administrative issues and in this light the key relationships and lines of communication need to be built between university Councils and the Minister and between universities' managements and the DHET.

Any specific institutional issues that must be brought to the Minister's attention regarding policy or governance should be communicated by the Registrar on behalf of the Council to the Minister via his Chief of Staff. Council requests for Ministerial approval in terms of the Act, or Council approvals requested by the Minister, should also be communicated through the Minister's office. However, it should be noted that any decision requiring routine Ministerial approval in terms of the Act or any other administrative response, would be handled by the DHET (DG, and more specifically by the DDG responsible for University Education), and therefore the communication should be submitted through their offices. Failing to do so could result in long delays.

In general, the DHET will interact with university management and delegated officials on a variety of aspects including the management and oversight of various earmarked grants, submissions of annual reports, and planning in relation to the utilisation of these grants. Each earmarked grant has its own specific purpose and requirements, but the overall intention of the grants is to support transformation of the system in terms of improving the quality and responsiveness of the system, while erasing inequity in all its forms.

The most useful channel of communication and cooperation on any system wide matters with the DHET is through Universities South Africa (USAf). Individual institutions that wish
to engage on a matter that is likely to affect the system as a whole should consider communicating via USAf and USAf’s different strategy groups and fora to enable system wide engagement and solution seeking; for further information consult the USAf website.

In general, this communication would include informal and formal discussions with the DG and relevant DDG, depending on the issue at hand. In most cases communication would be managed though the DDG: University Education and the relevant senior officials within the University Education Branch responsible for the various functions. There are some functions for which the DDG: Planning, Policy and Strategy is responsible for. The current DHET structure and relevant responsibilities, which may change from time to time, is shown in figure 10 below.

FIGURE 10. DHET STRUCTURE AND RESPONSIBILITIES
Supporting economic growth and development locally and nationally

While the DHET is the universities' major stakeholder in terms of accountability for public funding, other government departments are also important stakeholders especially in relation to their role in local and national development.

While the DHET does provide significant research outputs subsidy funding to support the operation of universities' research functions, with respect to the research and innovation system, the Department of Science and Innovation (DSI) takes the lead. The DSI has a responsibility to support socio-economic development in South Africa through research and innovation, through creating an enabling environment and providing resources for science, technology and innovation. Support provided by the DSI is for research and innovation, research infrastructure and post graduate bursaries and scholarships.

Due to the fact that all universities have research as one of their core functions, and that collectively universities produce upwards of 80% of all the research in South Africa, the various government research entities are potential collaborative research partners, both in terms of post graduate education and research and innovation.

Some other government departments also provide additional financial support in terms of funding research and specific education projects. Some are also responsible for certain functions which influence the development of qualifications and drive certain sectorial needs. One important example is the National Department of Health (NDoH) and its provincial counterparts, which has under its umbrella a number of public entities (such as the South African Medical Research Council (SAMRC) and the National Health Laboratory Services (NHLS) and statutory bodies (such as the Health Professions Council of South Africa (HPCSA), the South African Nursing Council (SANC), the South African Pharmacy Council (SAPC) and the Allied Health Professions Council of South Africa (AHPCSA). It is also critical to ensure that all qualifications accredited by the CHE are recognised by the relevant professional body for registration and employment, and that the various aspects related to intake numbers and staff student ratios are adhered to.

Other government departments that are important stakeholders with whom universities need to build relationships include:

- The Department of Agriculture, Land Reform and Rural Development (DALRRD) and its provincial counterparts. DALRRD (see https://www.dalrrd.gov.za/ for details) is responsible for a number of areas that are of importance to universities. The key branches in DALRRD are Agricultural Production, Health and Food Safety, Natural Resources and Disaster Management (which deals with a range of issues including Animal Health, Animal Production, Plant Health, Plant Production, Climate Change and Disaster Management, and Veterinary Public Health) and Food Security and Agrarian Reform (which deals with among other issues, Sector Colleges, Sector Education and Training). DALRRD also has the Agricultural
Research Council (ARC – see [https://www.arc.agric.za/](https://www.arc.agric.za/)) reporting to it.

- The Department of Trade, Industry and Competition (DTIC) (see [http://www.thedtic.gov.za](http://www.thedtic.gov.za)) promotes structural transformation, towards a dynamic industrial and globally competitive economy and a predictable, competitive, equitable and socially responsible environment, conducive to investment, trade and enterprise development. Among other aspects it has a number of agencies through which it works, such as the National Empowerment Fund, and is responsible for aspects related the Broad-Based Black Economic Empowerment (BBBEE). The BBBEE codes allow for skills development funding and provide an opportunity for universities to create partnerships for funding students through industry bursaries, scholarships and work based integrated learning ([see https://beeratings.com/skills-development-code-series-300-statement-300-of-the-b-bbee-codes-of-good-practice/](https://beeratings.com/skills-development-code-series-300-statement-300-of-the-b-bbee-codes-of-good-practice/)). The DTIC also has a number of different funding programmes which could be of importance to universities, such as the Technology and Human Resource for Industry Programme (THRIP) and if the right relationships are developed could be an important partner in driving research and innovation.

- The Department of International Relations and Cooperation (DIRCO) (see [http://www.dirco.gov.za](http://www.dirco.gov.za)) formulates, coordinates, implements and manages South Africa’s foreign policy and international relations programmes, promoting South Africa’s national interests and values and the African Renaissance to create a better world for all. While universities must be embedded in and responsive to their local contexts they also need to respond to global challenges facing humanity and must develop international relationships if they are to thrive. International cooperation and partnerships are important for all our universities. They can lead to creating opportunities for post graduate student scholarships, educational cooperation, policy development, and research. DIRCO can play a facilitating role, particularly with respect to entry into various intergovernmental groupings, such as BRICS (Brazil, Russia, India, China, South Africa), IBSA (India, Brazil South Africa), IORA (Indian Ocean Rim Association), the Commonwealth, and the Group of Twenty (G20), all of which include academic and research fora with possibilities for higher education and or research partnerships and funding. DIRCO also provides important contacts with a wide range of opportunities through its embassies and missions abroad. In general, DIRCO works with the DHET and DSI in coordinating such international activities and partnerships.

- The Department of Home Affairs (DHA) (see [http://www.dha.gov.za](http://www.dha.gov.za)) offers a wide range of services to the citizens of South Africa, as well as foreigners who wish to visit, work or stay in South Africa. The DHA is an important link for universities with respect to study and work permits for international (foreign) students and staff. It is also the department that needs to assist South African staff and students wishing to study or work abroad.

- The Department of Employment and Labour (DOEL) (see [https://](https://))
www.labour.gov.za) regulates the South Africa labour market for a sustainable economy. All universities need to comply with labour legislation and regulations, and report in terms of these to the relevant department or entity.

Quality assurance and promotion

A further set of important stakeholders are the statutory bodies that operate within the higher education sector to regulate and support the development of a quality higher education sector. There are three that operate in the higher education sector, all reporting to the Minister and DHET, namely the Council on Higher Education (CHE), the Quality Council for Trades and Occupations (QCTO) and the South African Qualifications Authority (SAQA). The fourth body, UMALUSI, deals with quality assurance at National Qualifications Framework (NQF) level 4 (schooling) and is an entity under the Minister of Basic Education.

The CHE (see https://www.che.ac.za) takes its mandate from the Act, serving a number of key functions, including advising the Minister on any aspect of higher education, proactively or at the request of the Minister; promoting quality assurance in higher education; auditing the quality assurance mechanisms of higher education institutions; accrediting programmes of higher education; publishing information regarding developments in higher education, including reports on the state of higher education; and promoting access of students to higher education institutions. The CHE also functions as the Quality Council for Higher Education in terms of the NQF Act (Act No 67 of 2008, as amended). The CHE draws on peer expertise from the system to assist it in all its functions. It works across all public and private higher education institutions and is key to the accreditation of higher education institutions’ qualifications on the Higher Education Qualifications Sub-Framework (HEQSF). It develops and disseminates a wide range of publications including books, journals, monitoring reports on developments in the system and useful guides on various aspects of quality promotion and assurance. All institutions should be well informed of the work of the CHE and its importance in the system. It can be drawn in to advise institutions, as well as mediate with professional bodies and the DHET when challenges related to qualifications occur. All professional qualifications require approval by the relevant professional body (some of which are statutory, such as the HPCSA and SANC), and others not, for example South African Institute of Chartered Accountants (SAICA), before the CHE will accredit them. The CHE is also a useful partner to the DHET and USAf in relation to supporting universities in their development and transformation.

The Quality Council for Trades and Occupations (QCTO) (see https://www.qcto.org.za/) is the public entity responsible for quality assurance and the oversight of the design, accreditation, implementation, assessment and certification of occupational qualifications, part-qualifications and skills programmes. It is established in terms of the Skills Development Act (Act 97 of 1998, as amended) and the NQF Act. The QCTO
manages the quality assurance of all qualifications and part qualifications on the Occupational Qualification Sub-framework (OQSF). In terms of the Act, universities may offer qualifications on the OQSF, particularly those at NQF level 7 and 8, intended for professionals in the banking and accounting sectors. Often these are offered through learnerships funded by Sector Education and Training Authorities (SETAs). Universities of Technology (UoTs) may also have an interest in offering some of the technical and vocational programmes accredited by the QCTO.

The South African Qualifications Authority (SAQA) (see https://www.saqa.org.za/) is the oversight body of the NQF. While the CHE and QCTO are responsible for the accreditation of qualifications that an institution may wish to offer, SAQA is responsible for the registration of qualifications and part-qualifications on the NQF, and maintaining the National Learners' Records Database (NLRD). This is very important for universities as all qualifications must be registered with a SAQA identity number (ID) before an institution can offer it. SAQA IDs are also indicated on the universities approved Programme and Qualification Mix (PQM). SAQA IDs are used by the National Student Financial Aid Scheme (NSFAS) to ensure that students funded are supported on accredited and approved programmes. SAQA also uses these in undertaking its verification of qualifications service, which many employers are utilising. The public may check on the SAQA website at any time on the registration status of any qualification offered by a university. There is a major reputational risk to institutions who offer programmes leading to qualifications that are not registered on the NQF.

Funding
Another set of important stakeholders are the funding institutions that support students, research and institutional development in the higher education system.

Funding for students to access and succeed in higher education is provided through a number of government entities. The largest of these is the NSFAS (see https://www.nsfas.org.za/content/) which manages the bursary funds for large numbers of university students. The largest fund that it manages is the DHET Bursary, which was introduced in 2018 in the wake of the Presidential Commission of Inquiry into Higher Education and Training, often referred to as the Fees Commission. This DHET bursary is intended to provide fee-free higher education and fully subsidised living support to poor and working-class students to undertake their first undergraduate qualification at a public university. In 2021 approximately 538 000 university students were funded by NSFAS though the DHET bursary fund. This makes up approximately 60% of undergraduate headcounts in the system. NSFAS also manages a range of other funds including the Funza Lushaka Bursaries for new teachers provided by the Department of Basic Education (DBE), the National Skills Fund (NSF) bursaries for a range of professional qualifications, and the Department of Social Development's bursary programme for studying qualifications in Social Work.
The student funding ecosystem is critical for ensuring stability and sustainability of universities. While NSFAS is the funder of student bursaries, and students apply directly to NSFAS, it is critically important for institutions to develop strong working relations with NSFAS. Universities need to access the data on students who have applied and are eligible for funding as close to the registration period as possible, so that admissions can be well managed. NSFAS also depends on universities to provide accurate registration data and the SAQA IDs for qualifications to verify that students are registered on funded undergraduate programmes, and it utilises the Higher Education Management System Data (HEMIS) to track student progress and determine whether a student is still eligible for funding. Universities have a responsibility to ensure that their progression rules are robust and applied fairly, to implement effective student support programmes including advising, early warning systems and appropriate interventions to provide their NSFAS funded (and all) students with the best chance of success.

The DHET also monitors the system and can be brought into discussions with universities and NSFAS to assist with solving problems. Universities, NSFAS and the DHET all have a role to play in ensuring that the funding system works effectively, and it is critical that a relationship of mutual trust, openness and transparency is developed so that students are supported to succeed.

While NSFAS primarily funds undergraduate university studies though funding provided by the DHET, post graduate student funding provided by the DSI is managed through the NRF. The NRF (see https://www.nrf.ac.za/) established in terms of the National Research Foundation Act (Act No 23 of 1998, as amended), is mandated to contribute to national development by supporting, promoting and advancing research and human capacity development; developing, supporting and maintaining national research facilities; promoting the development and maintenance of the national science system; and, supporting and promoting public awareness of, and engagement with, science. The NRF while having limited funds to support research (its total budget is less than the DHET research outputs portion of the block grant subsidy), is an important institution and stakeholder for the university system. In addition to its various DSI programmes for supporting research and researchers, such as the South African Research Chairs Initiative (SARChI), it also works in partnership with the DHET on a number of capacity development programmes, for example providing research funding for staff on the DHET’s next generation of academics programme (NGap) and University Staff Doctoral Programme.

In addition to the NSFAS and NRF, there are various skills levy institutions, i.e. the NSF and the various Sector Education and Training Authorities (SETAs), that are important stakeholders and potential partners to universities, with respect to bursary funding as well as funding for research.
There are 21 SETAs established in terms of the Skills Development Act (see the URL for a full list and relevant links [http://www.dhet.gov.za/SitePages/SETAlinks.aspx](http://www.dhet.gov.za/SitePages/SETAlinks.aspx) to their websites), and their functions and responsibilities are set out in Chapter 3, section 10. More recently USAf has engaged with the SETAs to leverage significant funding to support higher education studies across the system.

Finally, there are a range of international missions, development support agencies and foundations that work in South Africa and have a keen interest in higher education. They often work through government partnerships, including the DHET or the DSI, although there are some opportunities that are available without a government linkage.

**Other stakeholders**

There are a host of other stakeholders who do not have government or statutory standing, but who nevertheless are important stakeholders for the university system. Private sector business and industry partners are important stakeholders. All universities need to identify local, regional, national and international business and industry partners who they can create productive collaborative engagements with across the spectrum of their core activities. While there can be no straight forward relationship between what universities teach and what business and industry believe graduate attributes should be, it is in the interests of all institutions and the system as a whole to ensure that their graduates have opportunities to engage productively with the world of work.

Partnerships/collaborations that draw on business and industry to create research opportunities and sharing of expertise (e.g. joint appointments; research programmes; and bringing intellectual property to the market) to find solutions to difficult problems and societal needs, and then feeding this back into curricula and teaching to ensure students are exposed to cutting edge thinking and stimulated by the best minds in their fields as early as possible, could be very productive.

A further set of important external stakeholders are the various student and youth formations operating within the higher education context. While institutions all have their SRCs as an important elected governance body, and the various internal student societies and organisations as critical stakeholders, student structures and organisations outside of the institution are also of vital importance. We have seen in the past that if dialogue and leadership discussions do not take place, institutions can become volatile spaces and it is not only the internal student bodies that contribute to this, it is often external student bodies. While it may not always be comfortable, it is important for institutions to understand and engage with the broad range of student and youth voices outside of the institution. The South African Union of Students (SAUS — [https://www.saus.org.za/](https://www.saus.org.za/)) represents the SRCs of universities in the country and is a body that is active in all discussions focused on student interests. SAUS will engage in various national fora with the Minister, the Department, USAf and with individual SRCs and university
managements on a range of issues. Finding ways of keeping open lines of communication and dialogue with SAUS, and contributing to student leadership development through these engagements is important for all universities.

Other youth formations that are active within the higher education sector and should be engaged with from time to time, especially at a national level, but also at an institutional level when necessary include the various student political organisations such as the Progressive Youth Alliance, which includes the South African Students Congress (SASCO — see https://sasco.co.za/), the Young Communist League (https://www.yclsa.org.za/), the African National Congress (ANC) Youth League (see https://www.anc1912.org.za/anc-youth-league/), and the Congress of South African Students (Cosas — see https://cosas.org.za/). There are also a wide range of other youth/student organisations of other political parties, such as the Democratic Alliance Student Organisation (DASO see https://www.da.org.za/get-involved/daso) and the Economic Freedom Fighters Student Command (EFFSC – see https://www.effsconline.org/).

Conclusion

If the #MustFall movements have taught us anything, it is that universities must engage with their publics in an open and continuous manner. University managements and their Councils need to show their responsiveness to the concerns and needs of society though all aspects of their core activities, creating productive partnerships and networks to promote their worth and build their reputations as institutions. In short, Universities need to be deeply involved in the knowledge project to educate and improve the lives of citizens in their immediate surroundings and in the country as a whole. Their ability to reach out to external stakeholders, their publics, needs to be built and honed over time through seeking active partnerships and engagements at the local, regional, national and international level.
Chapter Seven: Conclusion

In summing up, the functions typically associated with the Registrar’s portfolio are, by their very nature, serious and speak to the protection of the integrity of the institution in terms of its compliance to the current legal and governance framework. At a time when corruption is rampant, legal action is a real threat and pressure from various parties in an increasingly polarised and unequal society, threatens the values underpinning good institutional governance. All indications are that reflecting on the value proposition of the Registrar’s role, one cannot stop reiterating the importance of the traditional expectations — the Registrar’s environment should aim to differentiate itself in the following ways:

Compliance ... with agility and sensitivity to context
In a rapidly and constantly changing environment, characterised by flux and complexity, the Registrar cannot blindly drive adherence to rules and regulations, but should constantly reflect on the applicability thereof, given the changing regulatory landscape and the specific context. The Registrar should be able to critically engage with existing policies and frameworks, identify contradictions and areas of non-compliance that may lead to risk, and be ever vigilant to anticipate these and advise on the way forward pro-actively. The ability to analyse, interpret within context, and then synthesise to come to a helpful conclusion and advise accordingly will become increasingly imperative.

Governance ... with integrity and through innovation
The Registrar, and staff supporting the institutional secretariat function, should have a clear understanding of the role of Council and members of Council, the role of the Rector’s Management Team (RMT) and other executives, the role of statutory and governance structures, and principles of co-operative governance. The Registrar should facilitate an enabling and professional relationship between members of Council and the RMT and other governance structures, and should put adequate and innovative processes, systems and practices in place to facilitate compliance. The Registrar plays a pivotal role in establishing and upholding a culture of co-operative governance and ethical conduct, and should reflect leadership excellence in legal and governance compliance.

Administration ... through collaboration and caring
Academic Administration is a labour intensive and challenging portfolio, and, as mentioned above, encompasses the administration of the student life-cycle from application to graduation and thereafter. To leave it at that would be shortsighted. When it comes to academic administration, Tronto’s notion of the “caring university”

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15 Muller, M. 2015. Council Governance. Presentation at Registrar Capacity Building Workshop, HESA.
comes to mind — she postulates, inter alia, that caring requires that we rethink needs, reassign responsibilities, keep power relations in focus, presume plurality and conflict, and work towards democracy. The importance of people and relationships cannot be overemphasised and in this respect banking on the loyalty of administrative staff will not be enough. Staff should be inspired to make a real contribution to create a positive student experience. They should understand their role in making the institution truly inclusive and welcoming to all.

In light of the above, the capacities that are required in the role of Registrar are suggested below. This cannot be an exhaustive list but offers some thoughts on what the role requires of the incumbent:

‣ Think differently.
‣ Anticipate the future.
‣ Avoid merely being a channel for bureaucracy.
‣ Strategic focus.
‣ Excellence in administration.
‣ Knowledge of, and the ability to implement, legal and administrative policies and procedures.
‣ Organisational, communication and problem-solving skills.
‣ Excellent interpersonal relationships and partnerships.
‣ Financial resource and people management skills.
‣ Facilitation of transformation.
‣ Knowledge and understanding of the higher education system in South Africa.
‣ Work at developing a personal brand, such that there is a confidence that it is the institution that is being served rather than any other competing or sectoral interest. Offer non-aligned advice to all, equally.
‣ Recognise that job descriptions at this level of work is a misnomer. At best, a descriptor of job framework that encapsulates the core deliverables in the job is more appropriate. But then to add to this, that which each individual Registrar brings to the role in the context of his, her, their institution.

All the while though it remains the case that change is certain, and that adaptability to lead and manage in increasingly complex spaces will be an important competence to be effective.

The story of the Choluteca Bridge is instructive, and it provides a useful analogy for the over-reaching purpose of the Handbook.

The Choluteca Bridge is a 484-metre-long bridge over the river Choluteca in Honduras, in

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16 Visual and text (adapted) below are as extracted on 8 May 2022 at https://www.stpeters.co.za/news/entry/The-Choluteca-Bridge-The-Bridge-of-The-Rising-Sun
Central America. A region was notorious for storms and hurricanes. So, when they decided to build a new bridge over the river Choluteca in 1996, they wanted to ensure it would withstand the extreme weather conditions... and they built a solid bridge, designed to withstand the powerful forces of nature. The new Choluteca bridge — a modern-day marvel of design and engineering was opened to the public in 1998. And in October that year, Hurricane Mitch hit Honduras, and the river Choluteca swelled and flooded the entire region. All the bridges, except the new Choluteca bridge, were destroyed.

But, while the bridge was intact, the road leading to it and leaving it was swept away. The flooding forced the river Choluteca to change course. It created a new channel, and the river now flowed beside the bridge and not under it. So, while the bridge was strong enough to survive the hurricane, it became a bridge over nothing.

...the lesson from the Choluteca bridge is more relevant to us today than ever before. The world is changing in ways we may have never imagined. The challenge ... is that we get focused on creating the best solution to a given problem. We forget that the problem itself might change...We focus on the bridge, and ignore the possibility that the river underneath could change course... ‘Built to Last’ might have been a popular mantra. But ‘Build to Adapt’ could be the way to go.

This bridge analogy offers a useful reference against which to think about the evolving role of the Registrar.
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Appendix: What could go wrong?

Dr Dan Mokoena Registrar: Vaal University of Technology

An exploration of some governance risks and why universities may be placed under administration.

Foreword

Higher education anywhere in the world and over the ages has existed within the context of the broader society within which it is located. It is therefore not surprising that a university will normally be reflective of the dynamics playing themselves out in such an environment. South Africa has been experiencing escalating governance problems, especially as it relates to corporate governance, both in the private sector and in state-controlled entities. The Mail and Guardian newsletter confirmed: “In recent years, South Africa has faced an alarming decay of governance in its government departments and its parastatals. There has been a systematic programme to capture and pillage the nation for personal financial gain... The economy is not growing and is not

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17 M&G, 2018
globally competitive. The cost of governance failures is real, tangible and terrible. The Business Insider SA adds: “The past decade has been marred by a series of scandals in South Africa's private sector, each demonstrating a clear lack of ethics, each fraudulent in their own special way”. Ironically, these major scandals follow shortly on the heels of the publication of the King IV Code of Corporate Governance. This shows that the Code can only be a guide, and that, as pointed out by Rossouw, “it’s impossible to regulate for integrity and ethical behaviour” but that “the need for South African boards to up their game as regards corruption is evident”.

The comments above emphasise the fact that there appears to be a salient offensive against clean corporate governance in the country. The right tone does not seem to have been set at the proverbial top, politically and corporately. Higher education in South Africa has not escaped these trends, leading to some failures that led to a number of universities being placed under administration. Governance failures seem to be the nomena that explicates the phenomenon of gross underperformance at the affected universities. This assertion is supported by DHET which has listed a number of these failures and causes of the ministerially invoked administration of universities.

These issues place a very heavy burden on those who are charged with the responsibility of ensuring proper governance and advising on matters of governance. Not least of whom is the company secretary whose role has morphed into a much broader role of a chief governance officer. In the case of higher education in South Africa, this ‘burden’ falls on the Registrar as secretary to the Council and the Senate of the University.

This chapter will explore some fault-lines that may be causative to a general decay in the governance and administration of a university. The chapter is not meant as a tick box list of items that may go wrong but will focus on intrinsic behaviours that may lead to matters going wrong in the university. It explores the termites that cause the structure of a house to collapse rather than focus on the resultant cracks on walls.

Having served through two-and-a-half administration periods, five Vice-Chancellors and six Chairs of Council, one tends to learn much about institutional governance and the inherent fissures that may affect the effective running of an institution. Such challenges

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18 BISA, 2020
19 IODSA, 2016
20 Rossouw (2017: 2)
21 Natesan and du Plessis (2017: 1)
22 DHET (2017: 24)
23 Erismann-Peyer, Steger and Salzmann (2008: 43-44)
are numerous and will differ from institution to institution and from era to era. The causal effects are however normally invariable. This chapter will touch on only a few of these. It will briefly focus on the understanding of the governance of a higher education institution. Although this aspect will have been covered in other chapters, it is essential to locate this chapter within such a framework as much of what could go wrong in an institution may be traced to its governance dynamics. The chapter will briefly touch on exogenous and endogenous failures that may affect an institution. It will blend theory with actual events and experiences. A number of examples will be drawn from the following recent independent assessors’ reports (these reports are in the public domain and only published content will be quoted from them):

1. Report of the Independent Assessor into the affairs of Vaal University of Technology, appointed by the Minister of Higher Education and Training24 — (2012 VUT IAR);
2. Report of the Independent Assessor into the affairs of Mangosuthu University of Technology, appointed by the Minister of Higher Education and Training25 — (2018 MUT IAR);
3. Report of the Independent Assessor into the affairs of the University of Fort Hare, appointed by the Minister of Higher Education, Science and Technology26 — (2019 UFH IAR);

**Brief overview of public higher education institutional governance in South Africa**

The post-colonial (post-apartheid) university governance in South Africa commenced in 1994 primarily with the African National Congress’28 draft discussion paper titled: “A Policy Framework for Education and Training”. The pre-1994 higher education system in South Africa was characterised by racial disaggregation and

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24 RSA, 2012
25 RSA, 2018
26 RSA, 2019
27 RSA, 2020
28 ANC, 1994
differentiation under racial oligarchy. Badat refers to this period as follows: “This was accompanied by the advantage of ‘historically white institutions’ and the disadvantage of ‘historically black institutions’, in terms of the financial resources that were made available and the social and academic roles that were allocated to each”. There was a manifest level of state interference in higher education and a very attenuated institutional autonomy, especially in the case of the subaltern “Black” institutions.

During the early 1990s, a new discourse emerged focusing on transformation of higher education at a systemic and ideological level. The idea of cooperative governance in higher education was espoused and then entrenched. The CHE points out that “co-operative governance requires that the government does not become the single agent, but it will have a range of roles and obligations, in a variety of co-ordinated arrangements”. The CHE further surmises that cooperative governance is a social contract in which the involved parties (stakeholders) agree to suspend their narrow interests in favour of the interest of the system/university. In terms of the relationship between the state and higher education, cooperative governance “assumes a proactive, guiding and constructive role for government. It also assumes a co-operative relationship between the state and higher education institutions. One implication of this is, for example, that institutional autonomy is to be exercised in tandem with public accountability. Another is that the Ministry's oversight role does not involve responsibility for the micro-management of institutions. A third implication is that the Ministry will undertake its role in a transparent manner.

As indicated in the foregoing discussion, the model of governance eventually adopted and legislated in South African higher education was referred to as the co-operative governance model. This model differed in a nuanced manner from the German model of co-determination outlined in FitzRoy and

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29 Reddy (2004, p.8); Bunting (2006, p.36)
30 Badat (2004, p.4)
31 NEPI (1992); ANC (1994)
32 NCHE (1996); DoE (1997); Kulati (2010)
33 CHE (2002, p.12)
34 DoE (1997, p.30); also see RSA (1997); NCHE (1996)
35 RSA, (1997)
36 NCHE (1996); Department of Education (1997)
Kraft. The co-determination model recognises worker interests, bank interests and supplier interests in corporate governance. The co-operative governance model as it relates to South African public universities was meant to ‘offer a strong steering model with a planning role and a strong co-ordinating role, which provides for increased and stronger government and stakeholder participation as well as input from the higher education sector’. The model ended up giving rise to participation of stakeholders in the Councils of Universities as prescribed by the Higher Education Act (the Act): academic staff, non-academic staff, managers, Senate representatives, students and alumni/convocation representatives’ membership was prescribed by the Act. The model further made provision for external members (non-executive directors) to be part of the Councils and to constitute no less than 60% of a Council. This was done as part of a broader political agenda of social transformation, particularly to engender inclusivity and develop an engaged higher education system. This also showed acceptance of the fact that higher education transformation was not monolithic, one-dimensional or reductionist in nature but included race, gender, class and social structures as well as the underpinning structures such as epistemological frameworks, governance, leadership and curricula. This was a major shift from the pre-1994 higher education system under the erstwhile racial oligarchy which was characterised by social, economic and political discrimination and inequality. The cosmetic balance of 60:40 (external to internal members) runs in tandem with the principles of King Code on Corporate Governance (IODSA, 2016). This transformation of the board room (Council) was not only cosmetic, but led to different boardroom cultures, moving away from a patriarchal, white and monolithic culture to a more dynamic, hybrid and amoeboid culture that has led to tectonic shifts in the construct and framing of the university governance.

Sectorally, the cooperative governance model in higher education (in terms of the state/higher education relationship and intra-institutional governance) has its genesis in the pre-1994 era (1994 being the year of the inauguration of the first democratically elected government in South Africa). The following figure (Higher Education Governance Timeline) shows the most pronounced, albeit not the only, policy and other developments affecting the governance of higher education institutions in South Africa. The figure shows different epochs in the development of the governance of higher education in South Africa attendant to various policy, legislative and position documents.

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37 FitzRoy and Kraft (2005)

38 Keasey & Wright (1993)


40 RSA (1997)

41 See Badat (2010); USAf (2015); Reddy (2004)

The figure emphasises the fact that change in higher education seldom follows the big-bang approach, it is normally incremental and sluggish. Within universities as well, as Dearlove\(^{43}\) points out: “Universities are innovative when it comes to piecemeal and incremental change, but deeply conservative when it comes actually to implementing systemic change across the whole of an institution”. The first period, as stated by Badat\(^{44}\) is the period of apartheid liberalisation during which the system was struggling to shed off and cleanse itself of the burden of the apartheid era and slowly introducing new ways of re-imagining higher education within a democratic dispensation.

This period was followed by consolidation of the new ways of governing the system, a proliferation of policies and directives, a steering mechanism involving planning imperatives, quality audits and funding mechanisms. Then in 2015 the #feesmustfall movement and in 2020 the Covid19 Pandemic entered the picture and altered in fundamental ways the manner in which universities envisioned and envisaged their governance.

In the case of intra-institutional governance, The White Paper III maintains: “It is the responsibility of higher education institutions to manage their own affairs”. This represented a move away from the erstwhile strict government control towards a governance model in a similar fashion as in the Dutch higher education system about

\(^{43}\) Dearlove (2002, p.263)

\(^{44}\) Badat (2009: p.458)
which de Boer, Enders and Leysite have said “the 1990s can be seen as a continuation of the development ‘from government to governance’”. Cloete and Kulati also state that “co-operative governance was located within a state supervision model, with academic freedom guaranteed by the Constitution. Autonomy was to be exercised within a framework of government leadership through funding and planning”.

The application of cooperative governance at institutional level led to a bicameral system of governance which is depicted in the Figure. The figure shows the bicameral system in which, within the cooperative governance model, there is corporate governance championed by the Council of a university (composed primarily of “lay” governors/councillors) and academic governance led by the Senate of the university (composed primarily of professionals — professors and senior administrators). The idea of this type of configuration was in pursuit of an ideal referred to as the new model of collaborative leadership by Useem, Carey and Charan. It is important to note that although the division is made between corporate governance and academic governance within the university, both are integral elements of university governance. Both have the aim of serving the institution and achieving the objects and the strategic intent and trajectory of the institution concerned and are not diametrically opposed to each other. The division is only a functional classification for the purpose of theoretical analysis. “The demarcation between the responsibilities of the Council and the Senate (or equivalent bodies, such as the academic board) may in practice be rather fuzzy. ‘Purely’ academic issues, such as the awarding of degrees, are often under the Senate's authority, but, whenever academic matters have an impact on resources (and they generally do), decisions made by the

FIGURE 15. TWO SYSTEMS OF UNIVERSITY GOVERNANCE

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45 CHE (2002, p.13)

46 Useem, Carey and Charan (2016, p.3)
Senate are subject to approval by the Council\textsuperscript{47}.

The cooperative governance model has not been without criticism, ranging from claims that it has led to mimetic isomorphism (institutions mimicking each other in a quest to fight for limited [state] resources) to claims that it leads to increased pressure towards managerialism in higher education where “profitability rather than sustainability seems to be the driving ethos of universities” and to side-lining of Senates. The collapse of governance in many institutions leading to these institutions being placed under administration as analysed in DHET may bear testimony to the validity of these reproaches.

\textbf{FIGURE 16. UNIVERSITY GOVERNANCE}

It is worth cautioning that the descriptive analyses above is based purely on theoretical literature applied on real-world praxis rather than empirical study. It is also noteworthy that theory may explain but does not always accurately influence practice or predict outcomes\textsuperscript{48}.

This chapter will critically analyse aspects of the form and function of Councils of universities in South Africa that could have led to the following problem as articulated by the DHET\textsuperscript{49}:

\begin{itemize}
  \item \textsuperscript{47} de Boer, Huisman and Meister-Scheytt (2010, p.325)
  \item \textsuperscript{48} See Ghoshal (2005)
  \item \textsuperscript{49} DHET (2017a)
\end{itemize}
a period of sustained challenge experienced in the governance of South African universities. These challenges are demonstrated by the fact that since the Higher Education Act was promulgated for the first time in 1997, no less than 14 independent assessor investigations have been conducted into the governance and administration of the affected universities. Very disconcerting is the fact that in the case of 4 universities, such investigations were conducted more than once. In 11 of these cases these investigations resulted in their councils being dissolved and the institutions being placed under administration in terms of the Higher Education Act.

The Act allows the minister to intervene and when this happens it is an expression of no confidence on management and/or Council to govern the institution effectively and efficiently. It is a sign of a complete collapse of governance and/or management. There are dire consequences for a University that finds itself in this situation: From loss of public confidence and a seriously dented image to internal instability stemming from possible student actions and low staff morale. An even more severe consequence is the dearth of funders and an almost complete absence of third-stream income (non-state funding) as funders begin to treat the institution with suspicion. What has also become evident lately is that following administration, a university starts to suffer from a “post-administration syndrome” (PAS) characterised by, for example:

- A new Council that is unsure of what to do, morbidly afraid to make decisions for fear of making the same mistakes as its predecessors;
- A Council that doubts the competence of its own committees and constantly rehashes discussions that should have taken place in committees at council level, leading to Council meetings that are too long and often pointless;
- A Council that distrusts management and management reports (in one case a financial committee chairperson told management that even a deviation of five Rands would need to come to the committee for approval!);
- Changes meant to tighten policies, many times incapacitate the Council to a point of paralysis, especially the SCM/Procurement policy leading to unspent funds and key projects that suffer in the process;
- New Management that is afraid to exercise decisive leadership and afraid to use institutional memory as a resource,
- A new Vice-Chancellor who distrusts current executive managers and his/her office staff;
- Attempts to layoff or rid the university of staff members perceived to be “undesirable”, leading to several CCMA cases, many of which the University loses;
- If the administration period proved to have been just a compliance exercise to the terms of reference of the administrator without a “deep-dive” exercise and proper data-mining to understand root causes of the problems that led to administration, an institution is likely to slide back into another administration soon after.

The chapter attempts to respond to the question of where the fault-lines that caused
these challenges lay in the architecture and functioning of the Councils of public higher education institutions (public universities). The fact that there have been so many universities that have been placed under administration and considering that some have been placed more than once under administration may be indicative of a much more acute systemic problem deriving from overt or subtle ontological pressures and fault-lines in the reimagining of higher education by the state, the university system and/or the society (for example, failing to address emergent and global higher education trends). Such powers vested in the Minister might also have a pervasive consequence of using them as a steering mechanism to drive higher education in a certain direction by punishing defaulting universities using ‘legitimate’ power. This falls beyond the scope of this chapter.

Pitfalls inherent in the architecture of the governance of a South African Public Higher Education Institution

This section analyses the relationships among the Council, the Senate and management of a public higher education institution (the three voices that Hartley referred to), and intends to indicate that these relationships, if not clearly defined and well-functioning, affect the governance of a university in a negative way. The two figures below are helpful in this analysis. The first figure shows what was probably intended in the statute books when they were developed: a well-governed university with clearly stated mandates and roles for all players. In reality, however a different picture has emerged characterised by contestations and conflicts over roles and power relations.

The way Council membership was prescribed as well as the inclusion of the Institutional Forum in the Act as well as in the Standard Institutional Statute suggested a broad inclusion of stakeholders in the decision-making processes of a university, aligned to the stakeholder theory of corporate governance. This was done in the belief that the more

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50 Hartley (2003)
51 Refer to (Habib, 2016)
52 RSA (1997)
53 RSA (2002)
54 Freeman (2010); Llonch, Casablancas-Segura and Alarcón-del-Amo (2016)
stakeholders who are involved in decision-making and the more a broad network of stakeholder interests are considered, the greater the value that will be created. This was also concomitant with Porter’s recommendations that policy-makers should encourage board representation by significant customers, suppliers, financial advisers, employees, and community representatives. Holloway, contends that the stakeholder approach fosters shared governance which refers to collaboration between academic faculty, university managers and independent members working together. This approach has led to peculiar problems including very big Council sizes.

The relationship between council and executive management

This relationship is shown in the figure titled “Reality” above. It can be equated to a special kind of a principal-agent relationship along the lines of the agency theory of corporate governance where the Council acts as the principal and management as the agent. Each of these groups pursue different interests but both realise the need to ensure continuity of the University as they both benefit therefrom. The latter does not always obtain. In the agency theory, the main function of the board (Council) is to control managers. Grundei argues that the most fundamental governance problem is that, under the separation of ownership and management, there is a potential clash of interests between the organisation and its top management. In some Universities the “conflict” between Council and management has led to a total breakdown of governance to a point where the Minister of Higher Education and Training has had to intervene,

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55 Campbell (1997); Freeman (1984); Harrison and Wicks (2013)

56 Porter (1992)

57 Holloway (2004)

58 Jensen and Meckling (1976); Panda and Leepsa (2017)

59 Cornforth (2004)

60 Grundei (2008)
evoking the provisions in the Act that allows him powers to act. Early signs of problems in many such universities include Council distrusting management and management reports, Council making unfair demands on or setting unattainable targets for management, management challenging Council on and accusing it of various matters and a general breakdown in communication.

The King III Code of Corporate Governance lays down the principles of fairness (balancing rights and expectations), accountability (responsibility for actions and decisions), responsibility (probity, fiduciary duties, integrity) and transparency (meaningful analysis from outside) for boards and Councils, and underpins these with discipline, independence, social responsibility and ethics. It is when Councils veer away from these that they begin to experience serious problems. There have been instances when Councils have been heavy-handed and bullying, forcing management and other internal stakeholders into submission and compliance. Governance needs to be a shared phenomenon, with Council holding management to account and Council itself adhering to a strict code of conduct. This does not always hold, as bemoaned by the assessors’ report into the affairs of 2018 MUT IAR: “Part of the problem has been that there is nobody authoritative enough to monitor and enforce compliance of Council except Council itself. When Council is in breach there is no mechanism for self-correction, except perhaps by the heavy hand of the Minister. When Council goes rogue, what recourse does Executive Management have?”.

In some Universities the management group is so much stronger than Council and ends up dictating to Council. Management will set up the strategy and run the University almost to a total disregard of the Council or have the Council “rubber-stamp” decisions made by management. One can characterise this relationship along the lines of the managerial hegemony theory as propounded by authors like Cornforth. The issue is about power relations. Mizruchi and Westphal & Edward agree that management normally exercise power over the board for two primary reasons: management (CEO) normally appoints the board and (especially in the case of Councils) board members are remunerated by management. Mace concluded that in managerial hegemony, control rested with the Chief Executive Officer, except in a time of crisis. This is true in many Universities where Councils have overtly or covertly ceded power to the management.

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61 DHET (2017a)
62 IODSA (2009)
63 Cornforth (2004)
64 Mizruchi (1983)
65 Westphal & Edward (1995)
66 Mace (1972)
group, and Council’s power is only to give legitimacy to managerial decisions. This theoretical analysis is presented in absolute, reductionist and essentialist terms whereas in reality there is much more balance of power and mutually respectful relationship between Council and management. Shattock\(^{67}\) makes the point that most Councils find a real difficulty to challenge their executives. This is quite understandable since most of the members of a Council will be people with no background knowledge of teaching and learning, the core business of a university. They would much rather discuss topics they are more comfortable with such as finance, tenders and human resources. Shattock\(^{68}\) also states that the supreme authority in Universities must continue to rest with the academics, for no one else seems sufficiently qualified to regulate the public affairs of scholars. This of course is not practical and feasible. The Vice-Chancellor and the deputies are normally academics in their own right and Councils have a sizeable number of academics and scholars well-capable of understanding the academic project\(^{69}\). Councils are meant to hold academics and executives accountable without fear and favour, not to cower away from making difficult decisions and asking uncomfortable questions.

**The relationship between management and Senate**

This is a more collegial relationship (C in the figure above) for most of the time. One may characterise this relationship as a form of a stewardship following the stewardship theory as propounded by Muth and Donaldson\(^{70}\). The theory assumes that managers want to do good work and will act as effective stewards of an organisation’s resources\(^{71}\). A lot has been written about academic governance and the role of Senates in Universities\(^{72}\). The conflict that usually develops between Senates and management has to do with the interests pursued by each: Management normally pursues financial sustainability of institutions, sometimes misaligned to the academic needs of the institution, Senates pursue academic excellence and integrity. The following lamentation is from a former Vice-Chancellors of one of the universities in South Africa: “Universities are increasingly treated as business entities, and power has shifted decisively from structures like Senate (where academics predominate) to finance and council (where administrators and external stakeholders are in the majority)\(^{73}\). He further asserts that there is a difference between a corporate culture and a managerial approach. The former is problematic,

\(^{67}\) Shattock (2012)

\(^{68}\) Shattock (2006)

\(^{69}\) Westphal and Edward (1995)

\(^{70}\) Muth and Donaldson (1998)

\(^{71}\) Cornforth, (2004)

\(^{72}\) Harman and Treadgold (2007); Dobbins, Knill and Vögtle (2011)

\(^{73}\) Habib (2016)
whereas the latter is necessary for the stewardship of any large institution. Bureaucratization, corporatization and managerialism have occupied many discussions on the governance of higher education. Senates can be portrayed as holonic structures that seek to be autonomous and independent of the whole. Their architecture is such that they are made up primarily of professorial representatives from faculties who consider themselves as sufficiently knowledgeable and self-contained. Even the chairperson of a Senate is only one among equals. The primary philosophies driving a senate of a University are academic freedom and freedom of scientific research, both of which are enshrined in the Bill of Rights in the Constitution of the Republic of South Africa. This antiquated notion of a Senate fails somewhat to consider the notion of Universities of the future and the new generation of academics. Academic freedom and freedom of scientific research can be exercised without the type of bureaucratic structures that senates are normally made out to be.

The relationship between Senate and Council
In some institutions, the relationship between a Senate and Council (B in the figure above) is almost non-existent. The agenda of most Councils hardly ever contains issues relating to qualifications, academic standards and quality, academic policy and strategy and enrolments. This is so because members of Councils normally do not fully understand the work of Senates. There is normally an acceptance by Senate that the Council is the supreme governing body that however, leaves Senate largely to its own devices and Councils are all too content to accept that when it involves academic matters, Senate will take care of them. However, Shattock claims that in times of financial constraint the potential for friction between Council and Senate is increased. Council may then tend to try and exercise its authority. It is therefore argued that actually the governance of universities in South Africa is at minimum bicameral or two-tiered, or at best tricameral (what refers to as compound boards where there exist two or more control centres, whether they are recognised by law or not). Dobbins, Knill and Vögtle refer to an academic oligarchy which is synonymous with the self-regulation of academic affairs by the academic and scientific community via academic Senates at the institutional level in concert with external self-governing bodies. Senates are therefore, in practice,

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74 Bradshaw and Fredett (2009); Meyer (2002); Reed (2002)
75 Turnbull (1997); Christensen (1994)
76 RSA (1996)
77 Shattock (2006)
78 Bissell (1973)
79 Turnbull (1997)
80 Dobbins, Knill and Vögtle (2011)
boards in their own right, albeit they are not recognised as such formally. The CHE\textsuperscript{81} points out that the bicameral approach in which the primary accountability for the institution is shared between the lay members of the Council (and in some case the Institutional Forum as well) acting as trustees in the public interest and professional academics in the Senate sector who are responsible for the curriculum, assessment, research and other key academic activities, characterises the governance of the South African higher education system.

It is therefore clear that in a university that is not well-functioning, the Council, Senate and management tend to pull in different, and sometimes opposing directions, pursuing contradictory agendas. This can place such a strain on a University, culminating in a total collapse of governance.

The analysis above sought to dissect the relationships amongst the Senate, Council and management within universities into separate components for analysis purposes. In reality the various components should be taken as a whole and in evaluating the effectiveness of the governance of an institution, the whole rather than the parts should be considered. When one component fails, the whole system fails. Reliance on a single perspective of reality is not practical in either explaining or improving corporate governance systems\textsuperscript{82}. Furthermore, the section sought to explain the interactions in linear form. In reality the dynamics involved in the governance of a university are myriad and complex in nature. Lastly, the theories employed all have their origins anywhere but in Africa or South Africa, which may be a limitation on its own. The point made\textsuperscript{83} about the ethnocentricity of current governance theories is correct. The analysis is, however, useful in developing an understanding of the power dynamics and relationships that may affect effective governance of universities in South Africa.

In addition to these issues, the following challenges are noteworthy:

1. “Tectonic shifts” caused by exogenous incidents
   Universities are prone to external pressures and influences exerted on them from a number of sources, similar to tsunamis and earthquakes caused by shifts in tectonic plates. These influences and pressures tend to affect the governance, management and administration of a University. Not all of these exogenous disruptions lead to negative consequences for the University in question, some of them lead to positive change and innovation. Usually, change in higher education is a slow process. “Change in higher education is typically characterised by collegiality, extended

\textsuperscript{81}The CHE (2002)

\textsuperscript{82}Turnbull (1997)

\textsuperscript{83}Ibid.
dialogue, consensus, an emphasis on educative excellence, and respect for academic tradition. Change is evolutionary, deliberate, and incremental rather than revolutionary and quantum in nature. The complex governance structure, diverse constituencies, and cultures of higher education contribute to a pace of change that is considerably slower than what is typical in the private sector.” Exogenous influences, however, do not always lend themselves to or respect this change process in higher education. They can be revolutionary, quantum and disruptive, demanding immediate and innovative responses from the sector and individual institutions.

Typical examples of such disruptors in recent history are the #feesmustfall insurrection that started in 2015 and the Covid19 pandemic which resulted in the national lockdown commencing in 2020. Susan Booysen85 argues: “The #Feesmustfall student movement that started in late 2015 unleashed social and political power that challenged the established political order, brought university managements to heel, and changed the social fabric of universities and of parts of society. Foundational values were to be reconsidered, and their ideological bases laid bare and cast off; policies were changed and institutions transformed — and the power of direct action to get radical results was affirmed”. While Paterson86 stated that: “Weaknesses in higher education provision across the world have been magnified and exacerbated by the COVID-19 pandemic. Poorer students and institutionally vulnerable tertiary institutions have been disproportionately harmed by the impacts of national lockdowns. Despite universities’ efforts to ensure equitable access to learning, poorer students in Africa and Europe have been disadvantaged by the global shift to online education in the face of campus lockdowns. The move has exacerbated already inequitable provision”. The offensive exerted on Universities by these two phenomena debunked the vulnerability of the university governance systems to externalities, yet also showed the resilience of institutions to foreign attacks.

2. Endogenous fault-lines

2.1. Chairperson- Vice-Chancellor-Registrar relationship

The relationships amongst the Chairperson of Council (CoC), the Vice-Chancellor and principal (VC) and the Registrar forms the fulcrum around which the governance of an institution revolves. Any rifts that develop in these relationships (as shown in the following figure) spreads rapidly to other relationships in the University. A prime example through the recent independent assessors’ reports bear testimony to this.

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85 Susan Booysen (2016, 22)

86 Paterson (2021)
For example, 2018 MUT IAR pointed out that the university is in need of visionary and strategic leadership both at Council and in a Vice-Chancellor who is the academic and administrative leader of the institution. “The relationship between the Council Chairperson and the Vice-Chancellor need to be managed carefully but with mutual respect”. It further points out that: “the Office of the Registrar is a critical key to governance and management in the institution”.

The CoC needs to understand his/her role within the University and assist Council not to overreach and start getting too involved in executive management issues, rendering Council operational in the process. The CoC’s role is that of governance and oversight. There have been instances where Chairs of Council have overstepped this line to a point of demanding an office on university campuses. Part of the challenge is the inability to install a CoC with sufficient board and chairing experience and competence to be able to understand these dynamics and to guide Council appropriately. An example of a downright unethical behaviour from a CoC can be found in the following excerpt from the 2018 MUT IAR: “The tensions have been exacerbated by the decision of the Chair of Council in June 2017 to replace the acting senior management team with [one professor] as acting Vice-Chancellor, [another professor] as acting deputy Vice-Chancellor: teaching and learning and [one doctor] as acting deputy Vice-Chancellor: research, innovation and engagement... This decision, which was taken without any consultation with the incumbents or with Council, understandably dubbed ‘a coup’, was subsequently reversed by the full Council albeit with significant feelings of anger on the part of both groupings”.

The role of a Vice-Chancellor in stabilising an institution and providing direction to the executive management team cannot be over-emphasised. The Vice-Chancellor is responsible for proposing and developing the University’s strategy and overall commercial objectives, which he does in close consultation with the CoC. He/she is responsible, with the executive team, for implementing the decisions of the Council and its Committees. The Vice-Chancellor is responsible for management and administration as well as for providing academic leadership. Lapses in the execution of these roles and responsibilities on the side of the Vice-Chancellor can (and

FIGURE 18. THE TRIUMVIRATE OF VC|COC|REGISTRAR
normally do) lead to serious fissures in the relationships considered above, resulting in the collapse of effective leadership, management and administration. Advents of “absent Vice-Chancellors”, overbearing/bullying Vice-Chancellors and self-consumed Vice-Chancellors have been known to exist in a number of institutions. The Mail and Guardian (in February 2020), for example, reported that the assessors at the Vaal University of Technology (VUT) picked up that the Vice-Chancellor did not have a positive view of the university very early in his tenure and he also did not offer a clear, compelling and positive vision for the university: “The trend ... indicates that the Vice-Chancellor is rather obsessed with himself, does not take responsibility, and manages by blaming those reporting to him for non-performance. It is evident that the Vice-Chancellor does not exercise leadership in difficult circumstances and fails to provide the university with a guiding vision. The assessors' report ... found that [the Vice-Chancellor] was a “lonesome” Vice-Chancellor who failed to persuade and influence change and direction at the institution.”

The Registrar’s role in University governance in as far as its relation to the Council of the University is generally accepted and understood across the sector. Furthermore, Barac and Marx\(^ {87}\) state that “as a member and secretary of the HEI’s management committee and the extended management committee, the Registrar is involved in day-to-day decision-making at executive level. This pivotal role of a Registrar in the corporate governance of South African higher education institutions ideally positions him/her to comment on the effectiveness of corporate governance practices and the value they add”. Generally, the role entails being head of academic administration and committee services. Critically, the Registrar may also be seen as a “governance specialist” as well as a “company secretary”. In South Africa there is a serious paucity of education and training for this role. There is also little agreement on proper qualifications for the role. The appointment of Registrars in South Africa has anecdotally followed Middlehurst’s\(^ {88}\) criteria:

- Cult of the gifted amateur (any intelligent, educated individual can undertake the task without training); or
- Cult of heredity (those with natural talent will emerge since they are born to the task); or
- Cult of the implicit (learning by osmosis is the hallmark of success).

These roles will find expression elsewhere in this book.

The failure of a Registrar to execute his/her responsibilities is sure to lead to serious governance failures. This happens when the Registrar is overbearing (overly self-assured, with an inflated sense of pomposity [different from being assertive]), or

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87 Barac and Marx (2012, p.352)

88 Middlehurst (1993, p.178)
when the Registrar is docile and ineffective (ticking compliance boxes without much thought or resistance, normally agreeing with the VC/CoC without questioning or advising), or when the Registrar is “clueless” about the role, either due to lack of proper training or exposure or seniority of their position, or due to other considerations.

Some reports of the independent assessors offer examples: from the 2018 MUT IAR: “The Registrar does not understand, in our view, that he is the custodian of the laws, policies and rules of the University. He should be empowered to function like a Company Secretary, to act at all times with professional authority, and with the knowledge of the laws and policies of the institution binding on Council and Management alike. ... He was inclined to do whatever the Chairperson of Council required him to do and fails to intervene at meetings for the sake of order and good governance”. This failure of course led to the following as a consequence: “… the lapses of Governance at the institution are due in part to the failure of the registry and committee services — the quality of reports, the quality of minutes, follow-up on matters arising and keeping proper records. From our observation, we found that the Minutes of Council Meetings were sanitised by the intervention of the Chairperson or the Vice-Chancellor, not clear enough about decisions and resolutions, as well as who the actors were. When the Office of the Registrar does not function effectively there is more at stake than just meetings. It is that the integrity of the academic management of the university may be compromised, and the quality of the academic qualifications may be in doubt”.

From the 2019 UFH IAR: “It was also during this time that the Registrar wrote to the DHET regarding the fact that the terms of office of five members of Council would expire in October 2018. Without having consulted the Chair of Council, the Registrar proceeded to recommend to DHET that none of these members should be re-appointed and asked ‘that the Minister provide us with five new Council members with preference to them residing in the Eastern Cape Province’. In our view such a unilateral action by a Registrar would be an offence which warrants consideration of dismissal. However, when we asked the (by then former) Registrar about it during interview, he maintained that writing such a letter was not only correct, but it was part of his job, since ‘it is actually the Registrar who runs the university’”. Furthermore, “Besides dealing with the operational issues, the meeting also proceeded to elect an Interim Chair of Council. There were two candidates, and it came down to a 50:50 split in votes. The Acting Registrar was then given a vote, which he exercised in favour of the previous Chair. We note that the Statute clearly says that the Registrar does not have a vote in Council”.

From the 2020 VUT IAR: “It is also our view that both the Chairperson and the Vice-Chancellor had allowed the burden of managing Council to fall on the shoulders of
the Registrar. For that reason the blame for not acting on the vacancies that were to be filled was placed on the Registrar. Agendas were seemingly left to the Registrar, and Council vacancies were to be attended to by the Registrar. One does not get any sense of collective responsibility or collaborative effort and team-work”.

2.2. Structure of the council of a public university in South Africa

Baysinger and Butler⁸⁹ make the point that economic theory and laws are largely silent on matters of board size, composition and structure. Whether these are matters that legislation should concern itself with is also debatable⁹⁰. Corporate Governance Codes such as King IV⁹¹ do offer recommended practice on these matters. The Higher Education Act as amended in Section 27 prescribes minimum requirements for institutional governance.

This section will focus on the relevance of these issues, i.e. as they prove material to the objects of this chapter.

⁸⁹ Baysinger and Butler (1985)
⁹⁰ Nadler (2004)
⁹¹ IODSA (2016)
2.2.1. Council Size

The Higher Education Act in Section 27(4) and the Standard Institutional Statute which have been employed in developing the individual institutional statutes, prescribe a minimum of six internal members (executives) in the case of the Act and 10 in the case of the Standard Statute. Both further prescribe that at least 60% of the members of Council (five of whom are appointed by the Minister of Higher Education and Training) should be external members (independent of the University concerned). This means that a Council of a university should be a minimum of 15 members in accordance with the Act and 25 members according to the prescripts of the Standard Institutional Statute. The Act prescribes a maximum of 30 members. The Institutional Statute of each University usually prescribes from which stakeholders the 60% of members (external members) must be drawn. Many are drawn from the Convocation/Alumni, local government and those that are identified for their expertise (mostly auditing, finance, human resources and legal expertise). In 2017/18 the average Council was about 28 members with an average of 10 internal and 18 external members. Most Councils are 30 members in size and almost none are below 20 members. These are massive structures that are difficult to manage or to coordinate. Van den Berghe and Levrau\(^\text{92}\) point out that board size can have positive and negative impact on board performance. Some researchers have found that large boards have their own advantages\(^\text{93}\). Access to resources, better counsel, a higher skill mix and better monitoring are some of the quoted advantages of larger boards. Many researchers have found an inverse relationship between board size and firm performance\(^\text{94}\). According to Jensen\(^\text{95}\) boards that are larger than eight or nine members are likely to be ineffective as communication, coordination and decision-making are likely to be affected in large boards. Yermack’s\(^\text{96}\) research has also concluded that large boards have a negative impact on firm value. The Companies’ Act in South Africa prescribes a minimum of one director for private or personal liability companies and three directors for public or a non-profit company\(^\text{97}\). The large Councils as discussed above have had a number of challenges\(^\text{98}\). Some of these include:

- *Non-attendance to scheduled meetings.* Such behaviour affects quorums and

\(^{92}\) Van den Berghe and Levrau (2004)

\(^{93}\) Dalton, Daily, Ellstrand and Johnson (1999)

\(^{94}\) For example: Conyon and Peck (1998); de Andres, Azofra and Lopez (2005); Chen and Al-Najjar (2012)

\(^{95}\) Jensen (1993)

\(^{96}\) Yermack (1996)

\(^{97}\) RSA (2008)

\(^{98}\) DHET (2017a)
critical decision making. A study by Chou, Chung and Yin\textsuperscript{99} has found a positive correlation between a director’s meeting attendance and firm performance. Conger, Finegold and Lawler\textsuperscript{100} also submit that board meeting time improves board effectiveness. Regular attendance at meetings by Council members improves their role of monitoring executives and results in cohesion of members. Munyradadzi, Padia and Callaghan\textsuperscript{101} point out that smaller boards are less likely to participate in social loafing and have low coordination costs but are less effective in monitoring. Frequently inquorate meetings reduce board (Council) activity and can collapse the governance of institutions. They can also render the Council ineffective in fulfilling its mandate. Although some may argue that the time external members (NEDs) spend together is too short to make a meaningful contribution or to engage in meaningful discussions with management\textsuperscript{102}, it does not detract from the benefits accruing from members attending meetings dutifully. Vafeas\textsuperscript{103} makes the point that poorly performing firms lead to increased board activity as boards may try to insulate themselves against litigation and claims that they were not sufficiently vigilant and lacked sufficient probity (This is also supported by the work of Brick and Chidambaran\textsuperscript{104}). This has been true in many universities that were placed under administration in South Africa. No member of Council would like to be associated with a dissolved Council or one placed under forensic investigations. Many Council members therefore begin to probe and ask difficult questions only when faced with prospects of poor performance and possible investigations, something they should have done long before such eventualities. 2019 UFH IAR states: “Instead, the legitimacy of Council was weakened by problems of membership and quorums, and in that state of weakness it became factionalised”.

- **Factions.** Factions on boards develop for a number of reasons. Veltrop, Hermes, Postma and de Haan\textsuperscript{105} define factions as “groups in which members are representatives, or delegates, from a small number of social entities and are aware of, and find salience in, their delegate status”. Factions are subgroups that develop within boards driven by specific motives or

\textsuperscript{99} Chou, Chung and Yin (2013)

\textsuperscript{100} Conger, Finegold and Lawler (1998)

\textsuperscript{101} Munyradadzi, Padia and Callaghan (2016)

\textsuperscript{102} See Vafeas (1999)

\textsuperscript{103} Ibid.

\textsuperscript{104} Brick and Chidambaran (2010)

\textsuperscript{105} Veltrop, Hermes, Postma and de Haan (2015)
identity. Veltrop et al.\textsuperscript{106} call them factional demographic fault-lines. Sonnenfeld\textsuperscript{107} asserts that when political factions develop on a board they affect the performance of the board, negatively. Factions on Councils of Universities are likely to develop because of two main reasons. Firstly, the sheer number of members and their diversity sometimes lead to the development of homogeneous groups organised around: language, social and other backgrounds, internal/external membership and so on. Secondly, a more sinister motive drives such developments, especially perceived financial gains from the University. It is submitted that such motives are almost always at variance with ethical behaviour. Factions appear when people stop to act in the best interest of the university but start to act in the interest of constituencies they were elected from or other syndicates\textsuperscript{108}. Student members and union members may, for example, use Council as a battleground and a platform to advance demands that they otherwise should engage management on. Factions are almost always toxic and can undermine the efforts of Councils and lead to a collapse of governance.

An example may be found in the 2012 VUT IAR: “The “factions” within Council are the most serious cause of the difficulties faced by VUT. In this regard it was presented that there is a clear “faction” within Council whose participation seems to be motivated by narrow personal power and business agendas rather than the interests of the students. Members of this “faction” want nothing else but to oust the current Vice-Chancellor. Council is used for lobbies and interests that are not for the benefit of the institution. The existence of these “childish” divisions has compromised the interests of the students”. From the VUT IAR: “Our key and paramount observation was the deep-seated level of factionalism that permeated throughout the VUT. To the extent that the deep-seated sense of factionalism exists, anything that is uttered whether positive or negative is assumed to be a construction of the other faction and could “never have happened mistakenly or through an accident or vis major or casus fortuitous”.

\subsection{2.2.2. Independence}

Board independence is a function of its composition. Boards are seen as more independent as the number of outside directors increases proportionately\textsuperscript{109}. Section 27(6) of the Higher Education Act states that at least 60% of the members

\begin{itemize}
\item \textsuperscript{106} Ibid.
\item \textsuperscript{107} Sonnenfeld (2002)
\item \textsuperscript{108} see DHETa (2017)
\item \textsuperscript{109} John and Senbet (1998)
\end{itemize}
of a Council must be persons who are not employed by, or students of, the public higher education institution concerned. King IV Code of Corporate Governance\textsuperscript{110} states under Principle 7 that the governing body should comprise a majority of non-executive members, most of whom should be independent. The Companies’ Act in South Africa is silent on this matter. Munyradadzi, Padia and Callaghan\textsuperscript{111} point out that some studies suggest a positive relationship between board composition (as a ratio of non-executive to executive directors) and firm performance whilst others have found no such relationship and others argue against reducing internal members. A study by Kiel and Nicholson\textsuperscript{112} showed that the proportion of outside directors is positively related to market-related firm performance but not necessarily to accounting-related performance. It does seem like there is a general acquiescence that boards with majority non-executive directors are more preferable, at least in South Africa. It is clear that not all external members in councils are independent, depending on the definition of independence.

Leblanc\textsuperscript{113} points out that the greater the number of gray directors the more likely it is that the board will not be independent from management. Gray directors are described as those who lack independence of mind for a number of reasons, but are nonetheless independent for regulatory purposes. Graying reasons include friendship with management or another director, inordinately high director benefits, gifts and so on. If independence simply refers to non-employees and non-students of the higher education institution concerned as stated in the Act, then these external members are independent. If, however, independence is defined more broadly to include ‘gray’ independent members (members whose independence has been compromised through a number of ways), then members such as alumni/convocation representatives’ independence become questionable. Those on Foundations/Trusts/University Entities can also not be seen as independent. It is also questionable whether those that actually do business with a University directly or indirectly should be seen as independent, even if they have declared such interests. It is therefore clear that the number of independent outside members is less than the number of external members on a council. This may affect independence in discussions and deliberations of a Council. “Gray” members may be conflicted during Council debates that consider items, persons and tenders they are close to due to their proximity to internal machinations of the institution in question.

\begin{footnotes}
\item[110] IODSA (2016)
\item[111] Munyradadzi, Padia and Callaghan (2016)
\item[113] Leblanc (2016)
\end{footnotes}
2.2.3. Council diversity

Pierce in Leblanc\textsuperscript{114} says that many commentators, especially in Anglo-Saxon countries, suggest that for too long boards have been composed of male, frail (elderly), pale (lack of ethnic diversity), and stale (not up to date) members, and that increasing diversity should be a major imperative for companies. Diversity on boards of directors is emerging as an imperative issue in many countries. In South Africa which has major redress issues, it has become vital. King IV recognises this under Principle 7 which states: “The governing body should comprise the appropriate balance of knowledge, skills, experience, diversity and independence for it to discharge its governance role and responsibilities objectively and effectively”\textsuperscript{115}. It is noteworthy that the Code links diversity to effective and objective functioning of the board. Gender, race, culture, age, expertise in board composition have proven to be the subject of a number of studies\textsuperscript{116}. Many of the studies on the subject found that increased diversity leads to better board performance.

On women on boards, studies have shown that there is a definite value-add on boards that include women in their composition. A critical mass of such inclusion is the subject of a study by Kramer, Konrad, Erkut and Hooper\textsuperscript{117}. The study argues for three or more women on boards. A more gender diversified board enhances performance of the board and enriches discussions, especially if the women are independent non-executive directors\textsuperscript{118}. Representation of women on Councils of South African Universities in 2018 ranged from very low for a bulk of the universities to as high as 50% in the Council of one University. Most individual institutional statutes encourage diversity on Councils (race and gender).

For South Africa in particular, the inclusion of Africans on boards of director has been made imperative through a number of instruments such as the Broad-Based Black Economic Empowerment (BBBEE) and government tender requirements, with concomitant penalties for non-compliance\textsuperscript{119}. In both cases, gender and racial diversity, there is a strong sense in which tokenism is frowned upon. This is also why quotas (coerced diversity) are not favoured over voluntary diversity\textsuperscript{120}. King IV

\begin{footnotesize}
\textsuperscript{114} Ibid.
\textsuperscript{115} IODSA (2016)
\textsuperscript{116} Carter, Simkins and Simpson (2003); Erhardt, Werbel and Shrader (2003); Hillman (2015)
\textsuperscript{117} Kramer, Konrad, Erkut and Hooper (2007)
\textsuperscript{118} Terjesen, Couto and Francisco (2015)
\textsuperscript{119} Horwitz and Jain (2011); Sartorius and Botha (2008)
\textsuperscript{120} Hillman (2015)
\end{footnotesize}
Code advocates for the setting of targets for race and gender representation on boards\textsuperscript{121}. An issue that might appear to be a problem is the phenomenon of interlocking directors and “busy” directors, who end up sitting on inordinately high number of boards\textsuperscript{122}. Most of the Councils of Universities have a high representation of African members, both as internal and external members.

Other criteria include age, language and experience (competence) of directors. On language, Piekkari, Oxelheim and Randoy\textsuperscript{123} urges that boards need to consider language diversity in the boardroom and endeavour to accommodate, as far as possible the various languages represented in boards. Language is significant in South Africa and in Councils of Universities. South Africa has eleven official languages. One Council may have up to six or seven such languages represented. Some Council members struggle with the English language (the dominant language of communication for most Councils) and Afrikaans (official mainly in former Afrikaans Universities). Individual board members’ actual capacity to bargain, negotiate, and “sell” their ideas to the rest of the board is very much language-dependent and lack of fluency in the working language can lead to silent directors in boards\textsuperscript{124}.

There seems to be both advantages and disadvantages to having both young and elderly directors on a board. Both bring different perspectives on the board and both have valuable contributions to make\textsuperscript{125}. Councils of Universities have quite a distribution of age groups of members. The inclusion of student members and alumni on the one hand and seasoned academics on the other ensures quite widespread. The Higher Education Act insists that a member of the council of a university must be a person with knowledge and experience relevant to the objects (knowledge of critical areas of higher education, including higher education itself) and governance (knowledge and experience of governance elements and function) of the higher education institution concerned. Many Councils have included this in their composition as can be seen in Table 1. In practice many members lack this qualification. The selection of members on Council has become a very political process where interests (especially of the Vice-Chancellor and management, trade unions and even students) play themselves out. It’s about power and control. Management, who normally have the most

\textsuperscript{121} IODSA (2016).

\textsuperscript{122} Sartorius and Botha (2008)

\textsuperscript{123} Piekkari, Oxelheim and Randoy (2015)

\textsuperscript{124} Ibid.

\textsuperscript{125} Sonnenfeld (2002)
discretion, usually seek members who will be agreeable to them, not necessarily those who qualify according to the set criteria.

2.3. Institutional capture
While the Act and statutes of various institutions spell out very clearly that participants in the governance of an institution must always “act in the best interest of the institution concerned” and must “be persons with knowledge and experience relevant to the objects and governance of the public higher education institution concerned”, this is at times not the case. Sometimes acts of brazen criminality and large-scale fraud and corruption are committed by those entrusted with the responsibility of protecting and safekeeping of university resources. Such acts may be committed by individuals (who perceive that there is no consequence management for perpetrators of such acts) or by organised groups that seek to control systems and manipulate processes. Consider this quote from the 2020 VUT IAR:

We tried to understand deeply how an institution can become so paralysed and destroyed by its own members and beneficiaries through industry-scale theft, looting and corruption. We tried to understand how it was that so many senior members of the staff have been suspended or placed under discipline for wrongdoing, dishonesty, ill-discipline and sheer incompetence. We received testimony (that was denied) that the VC himself is seen to be in cahoots with some of these elements who meet under cover of darkness and anonymity. The result is that students and junior academic staff have no exemplar or mentors. A culture of nonchalance runs very deep throughout the institution.

Furthermore:

The university has become synonymous with corruption, largely it seems, because there are student elements (long-stay students allowed to roam around the fringes of the university without being engaged in any serious study!) who survive by demanding kick-backs and extortion from suppliers of goods and service to the University. Stories are told of how such characters drive expensive cars even though they do not have gainful employment. They have the freedom of the institution and are able to threaten and cajole staff to deliver goods.

Eight years prior to this lamentation, the 2012 VUT IAR stated: “Council is affected by the existence of a "faction" or "clique" that does not function in the interest of the institution but seeks to pursue its vested interests using their membership in Council. This "faction" or "clique", which was identified as a powerful yet destructive component within Council has rendered Council completely
dysfunctional. As a result, Council often places those well-meaning members in an invidious position of either taking sides or maintaining their golden silence. As currently constituted, Council is devoid of the requisite skill, will and intellectual pedigree to meaningfully advance the strategic and leadership function it ought to be performing. Instead, it has been turned into a cut-throat environment characterised by personality clashes and narrow interests”.

Such mafia-style cliques and cabals usually draw their membership eclectically from wide-ranging groups: Council, management, administration and support staff, current and former students. If left unchecked and to their devices, such cabals can be very powerful and can take over the running of the institution, éminence grise style. It does seem that the existence of such destructive groups in an institution correlate to such an institution going under administration. Such groups (referred to in the 2020 VUT IAR as “vultures that seek to exploit the institution into a bare carcass”) will plunder institutional resources without any care until there’s nothing left to plunder, leaving just “scorched earth”.

2.4. Mission drift

Mission drift in higher education is not uncommon. There are myriad reasons why institutions may find it desirable to undergo mission drift, from reinventing themselves and reimagining their purpose to ensuring survival and sustainability. A planned, purpose-driven mission drift is not necessarily an unhealthy idea. It is when such a phenomenon happens due to an institution losing focus of its core mandate and purpose and veers away from its raison d’être that it becomes problematic. Public institutions of higher learning in South Africa’s mandate includes teaching, learning, research and community engagement. Once the focus moves away from this mandate to something else, no matter how noble, problems are sure to follow.

One way such drift may occur is due to the necessity for survival. Public universities are funded based on FTE’s which are partly a function of headcounts. When external funding (3rd and 4th stream income) start to decline in the face of uncertain state funding, institutions tend to play the numbers and CESM categories to try and maximise grants. This may even affect their PQM. This phenomenon is described aptly by Jaquette126: “While a handful of prestigious institutions generate substantial research, donation, and endowment revenues, most private (and increasingly public) institutions depend predominantly on tuition revenue. Therefore, studies of organisational change should analyse how institutions alter their curricula and mission to grow tuition revenue”.

126 Jaquette (2013)
This drift may also lead to isomorphism, defined as the process by which organisations within a field become similar over time. Jaquette\textsuperscript{127} states that economic theories argue that isomorphism is a function of adopting technically efficient practices in order to survive. Jaquette\textsuperscript{128} further says that institutional theory argues that organisations must adopt “legitimate” practices, regardless of their technical efficiency, in order to receive necessary resources from the external environment. “However, institutional rules of legitimate behaviour, requisite for resource accrual, often run counter to the technical efficiency requisite for survival”. Institutions, therefore, practice decoupling (duality), showing symbolic acquiescence to institutionalised rules in the organisational superstructure, while practicing technical efficiency in the organisational core. In essence, the reality of duality in institutional governance often precipitates from this phenomenon: Council and management driving for financial sustainability (superstructure) whilst the Senate pushes for academic excellence (core). This may also account for many independent assessors’ reports indicating that the core (academic processes) had remained fairly untouched by the failings of the particular institution, and that the problems were essentially with governance structures.

Consider the 2020 VUT IAR:

The Report also finds that on account of the poor Leadership, Governance and Management in all sectors of the University, the institution has not been able to advance its mission; protect the resources, financial and human, made available to the university by the State and by donors; and fails to guarantee quality education for so many young students of the University. In other words, the sustainability of the institution was being put at risk.

Whilst also reporting:

“We are persuaded that many academics have the interest, dedication and passion to improve student success if only they can be supported by the institution in terms of proper infrastructure for both teaching and learning and also decent student governance and facilities, including having residences organized as centres of learning and appreciating the wholesome university experience”.

From the 2012 VUT IAR: “In spite of the governance problems the institution is financially sound and stable. The academic enterprise has not been compromised as yet”.

\textsuperscript{127} Ibid.

\textsuperscript{128} Ibid.
2.5. Toxicity of intolerance

Formal university culture is purposefully planned and finds expression within the policy environment of an institution while informal culture evolves from human interactions and social connections. It is this informal culture that is often fraught with challenges. Often, campus culture reeks of serious intolerance that manifests in various ways in South African higher education campuses. Diversity in all structures of a University is good as it serves to enrich experiences and dialogue at institutions. This is true of Councils, Senates and Institutional Forums. Intolerance and bigotry, however, also filters through to these governance structures. The campus political and cultural climate is sure to affect operations of governing structures and affect effective decision making and ethical leadership. The various forms of intolerance include the following examples: racism, xenophobia, ideological intolerance, tribalism, regionalism, hate speeches, gender based violence (GBV), stereotyping and so on. Intolerance almost always leads to some form of discrimination and/or victimisation, and often leads to resignations of the aggrieved parties.

Student protests, whilst legitimate and lawful, are sometimes also a cause and an effect of intolerance. For example, during protests, non-protesting students may be victimised. Academic staff may also fall victim to protesting students. This is not a uniquely South African problem. An example from Hong Kong: “Hong Kong's universities have become places of bigotry, violence and mass hysteria. There must be many civilised and intelligent students, but they are in hiding. All we read about these days are students trashing their own campuses and offices, illegally detaining and threatening their academic elders until they cave in to their demands and now, beating up their mainland peers and kicking them home”. Lewy\textsuperscript{129} states: “Freedom of expression is threatened on today's college campuses. Speakers who challenge what a vocal group considers right and just are too often disinvited or shouted down, creating an atmosphere of harassment and intimidation”. Benatar\textsuperscript{130}: “In an environment in which an obsessional, delusional and weaponised narrative of racial and other grievance predominates, various forms of psychopathology — including paranoia and narcissism — become adaptive. While I do not think all or even most of those seeking to “transform” the university are mentally ill, there is certainly no shortage of disturbed people who have found a niche”.

An example from the 2020 VUT IAR: “Yet there are those who came before us who bemoan that the University is under the control of those who do not come from the Vaal Region, (those who come from Limpopo have been mentioned with

\textsuperscript{129} Lewy (2018)

\textsuperscript{130} Benatar (2021)
resentment!) who have no loyalty to the socio-economic needs of the community, and have no understanding of the strategic value of the University in the development of the community not just in terms of jobs, but also in terms of the expertise that the university offers”.

Council and other structures ought to be wary of such influences and inoculate themselves from them. The “boardroom culture” of the institution should set an example of tolerance to reinforce positive behaviour across campuses.

2.6. Academic governance failures
What may go wrong in institutions is by far not limited to corporate and cooperative governance. Within academic governance, particularly academic administration, there are countless real and potential pitfalls a registrar has to contend with. A whole new chapter can be written on these issues. They are not the primary focus of this chapter. Suffice to say that some of these challenges are often not even known or obvious until the rot has already set in.

The Fraud Unit at one university, for example, unearthed a syndicate operating around the University. The syndicate recruited members from the examinations’ office, IT department, finance and other relevant departments. Its primary goal was to “sell” marks (altering “fail” to “pass” grades), offer proxy examination writing services, “sell” exemptions and effect registration of blocked students, inter alia. The syndicate also hacked into the system or stole staff credentials to access the IT system. When one of the members was recorded secretly, he indicated that they operated in a few other universities as well.

Other problems include corrupt staff members and senior students accepting bribes and other favours from applicants who do not qualify for entry into the institution in exchange for placement. This was found particularly with the process of admission of international students. Study visas, refugee status, asylum seeker status and even foreign qualifications, were all up for sale. The Department of Home Affairs and the “Hawks” were even engaged to deal with some of these matters. Certificate fraud and false claims regarding qualifications obtained at an institution are other problems. In one of the prominent cases involving an executive member of PRASA, the University CFE (Certified Fraud Examiner) was invited to court to testify on a case involving the executive member claiming that he had an engineering degree from the University. The claim was successfully rebutted and a conviction was obtained. The ever-growing degree mill phenomenon is also a cause for concern.

3. A word on a University Registrar
The exposé above represents the world in which the Registrar has to ‘ply his/her trade’.
Registrars not only need to understand the foregoing analysis but are also expected to inform and advise their Councils and management on higher education governance, leading to the direct assumption that they must be knowledgeable in all aspects of that subject matter. Regrettably, as Cross \textsuperscript{131} laments: “Research on university administrators, their professional practice, identity and cultures, is almost non-existent in the Southern African context. It represents an area that has been overlooked by both academic research and Registrars’ analyses.” Elsewhere, the role has been researched and documented. For example, the American version of a registrar has been well-documented through the American Association of Collegiate Registrars and Admissions Officers (AACRAO)\textsuperscript{132}. As pointed out by Young \textsuperscript{133}, the office of the Registrar has always been an integral part of the establishment called the university: “the essential functions of the Registrar are — and apparently always have been — a linchpin in the definitive structure of any college or university”.

The role of the Registrar, as indicated above, is a statutory requirement. The Act on Higher Education\textsuperscript{134} and the Standard Institutional Statute (SIS)\textsuperscript{135} both state that the Registrar is the secretary to the Council and the Senate. The SIS further states that: “The secretary acts as an electoral officer and the secretary attends all meetings and keeps all relevant documents of the Council. The import of this statement is that the Registrar should not be a member of the Council as he/she has to act as an electoral officer, amongst other duties”. The SIS, in paragraph 53, also maintains that the Vice-Principal and the Registrar are responsible for assisting the principal in the management and administration of the institution. The inference of this statement is that the Registrar is not only a secretary to the statutory bodies (Council, Senate and convocation) but that he/she has other roles and duties related to management and administration of the university concerned.

Apart from corporate secretarial duties, the registrar is expected to head the academic administration (enrolment funnel, registration, placement, examinations, records management and graduations of students of the University). In this latter role, the Registrar is an executive manager reporting to the Vice-Chancellor/Principal/Rector of the University. The former role suggests a reporting line to the Chairperson of the Council. It does seem logical to assume that in the absence of a clear codification of the role and functions of the Registrar both as a secretary to the statutory bodies (statutory

\textsuperscript{131} Cross (2014, p.5)

\textsuperscript{132} See Lauren (2006)

\textsuperscript{133} Young (2006, p.1)

\textsuperscript{134} RSA, (1997 p.23)

\textsuperscript{135} RSA (2002, pp.13 & 18)
and legal function) and as head of academic administration (assumed role), each institution is expected to define these roles and functions either through the institutional statute, the employment contract or the job specifications/descriptions of the role. Barac and Marx\(^{136}\) state that “as a member and secretary of the HEI’s management committee and the extended management committee, the registrar is involved in day-today decision-making at executive level. This pivotal role of a registrar in the corporate governance of South African higher education institutions ideally positions him/her to comment on the effectiveness of corporate governance practices and the value they add”. Whitchurch\(^{137}\) refers to Registrars as “multi-professionals” who operate outside of their usual functional silos and reflect the concept of “poly-contextuality”.

In addition to the roles discussed above, the Registrar has the following types of authority (Martin 2014, p.83):

- **Actual authority**, this is by delegation from Council, Senate and their Committees as would be stipulated in minutes or in some other overt manner;
- **Ostensible authority**, deriving from the fact that a number of forms and documents require the Registrar’s signature;
- **Derived authority**, from precedent cases that have been accepted both internally and externally; and
- **Express authority**, seeing that the Registrar is appointed to hold office under law.

It is in the exercise of these functions and authority that the Registrar practices his/her trade. It is also in the exercise of these that a lot could go wrong. Some of the issues that may go wrong may be related to the following:

- Failure to provide Council members with guidance as to their duties, responsibilities and powers.
- Failure to make the Council members aware of any law relevant to or affecting the University.
- Failure to report to Council any failure on the part of the University or a Council member to comply with the Higher Education Act, the Statute and/or Rules of the University.
- As head of the Committee Section, not ensuring that minutes of all Council and Council committee meetings are properly recorded in accordance with the rules and the statute. The Registrar should be responsible for ensuring the proper compilation and timely circulation of Council papers and for assisting the Chairperson of Council and committees with drafting of yearly work plans. Failure to do so constitute a risk to the governance of the University.
- Failure to carry out the reporting functions for the University’s compliance with

\(^{136}\) Barac and Marx (2012, p.352)

\(^{137}\) Whitchurch (2006, pp.167-168)
the Regulations for Reporting by HEIs.

- The Registrar's role should also be to raise matters that may warrant the attention of the Council. This includes some of the risk situations that were discussed in the earlier sections.
- As compliance officer of the University, the Registrar has direct access to the Chairperson of Council as well as the Chairperson of the committee of Council responsible for audit and risk if he or she believes that a specific compliance matter in the University warrants it. Failure to do so also constitute a risk to the governance of the University.
- Failure to obtain appropriate responses and feedback to specific agenda items and matters arising from earlier meetings in Council and Council committee deliberations.
- Failure to provide all new members of the Council, Senate, Institutional Forum, heads of academic departments and heads of support units with a formal induction programme on institutional governance at the University.
- The Registrar is the custodian of the records, documents and information pertaining to the matters of management and governance of the University. Failure to do so constitutes a risk to the governance of the University.
- Failure to assist Council with the annual evaluations of Council, its individual members and senior management.

4. Some insights from a former independent assessor

The question: “What do you consider as some of the factors affecting Universities that may lead to a collapse of governance in an institution?” was put to a former independent assessor, and his answer was as follows:

4.1. Form of Council: There has been an increasing phenomenon of appointing people at executive levels elsewhere as Non-Executive Directors (NEDs)/Board Members/Council Members in the context of bringing unique cutting-edge corporate or best practice skills which undoubtedly would and can definitely transform Universities into smarter, better performing and financially sustainable institutions and spaces. However, such predominantly executive level individuals in their respective default backgrounds, when appointed into a Council especially as Council Chairs or subcommittee chairs, given their substantive roles, often develop role collision with University management or the Vice-Chancellor in that, by default, they end up performing operational functions or over-reaching on council resolutions. This crosses the yardstick of oversight into management responsibility. This becomes a perfect bedrock for future Council collapse or administration fault-lines.

4.2. Lack of smart and optimising governance environment: Policies and Delegations of Authority (DOAs) form part of the framework of governance for
any institution. However, there needs to be an internal controls governance review process protocol for their periodic re-assessment for fit and purpose to the ever-changing institutional environment. Universities are also subject to the same. However, cases of administration have among the many root causes identified failure to continually map and fit such to the actual University life journey. The size, shape, complexity and strategic reposition of a University should be the yardstick for review of policies and relevant DOA which would be smart and optimising. A case in point is the feeling by some Vice-Chancellors that in the recruitment process for executive staff, some, if not most, Councils hardly consult/engage Vice-Chancellors even when such Vice-Chancellors are part of the processes. A Vice-Chancellor's input as head of the executive team is often not fully appreciated by Council. This says a lot about DOAs. Vice-Chancellors feel certain appointments, e.g. deans, should be left to themselves and Senate.

4.3. Temptation Leadership Style: Universities, just like municipalities and parliament, are a microcosm of predominantly societal confluence. Unlike an institution like Coca-Cola or Unilever which is fundamentally about products, HEIs are always about people, be it students, staff or other external stakeholders. This has a huge implication on those in leadership and how they respond to the daily interplay of the various elements within the university space. Lobbying is an old, open secret in HEIs for most activities or decisions. Some deadly fault-lines and even governance collapse has been due to such in universities. This is often a result of what is termed ‘Temptatious Leadership Style’ where Council jumps onto the bandwagon, based on an allegation to even call for Special Investigations, Special Council meetings just to respond on emotive allegations. Once a University engages in such, it is in a free fall or it is a radarless institution towards administration. Council gets tangled endlessly into such a web, be it via student or staff vs management.

4.4. Lack of Performance Agreements for Vice-Chancellor and key executives of the university.

4.5. Lack of Strategy Plans and Implementation Plans to deliver on an Institutional Strategic Plan.
Certain Councils have failed to operate through using these points for their effectiveness. This has led to a tendency to expose Council to emerging agendas which are mostly not aligned to the long-term strategic plan of the University. The inevitable outcome has always been to lead Council down emerging paths or inappropriate views by Council.
5. A Parody of Governance in a SA HE Institution

This section is based on real events that took place a few years back in a UoT. The events were documented in a number of papers and reports. The section does not seek to give the exact details of what transpired but seeks to use these events loosely to show an example of what can go wrong in an institution of higher learning. The section will show how a university's governance structures and processes can be used with beastliness of forethought and through a travesty of justice, for personal aggrandisement. This section is based on a ten-year experience of a South African University of Technology, call it SA-UOT.

All major post-apartheid higher education policy documents have emphasised good governance attended to by financial stability and good financial management in higher education institutions\(^{138}\). All these documents sought to engender good governance as defined in documents like the King IV Report on Corporate Governance and as benchmarked against higher education systems in other countries. The work by Hall, Symes and Luescher\(^{139}\) on governance in South African higher education, especially with reference to co-operative governance, is quite exhaustive on the subject and has proposed far-reaching changes in the way governance in HE is conceptualised and practiced. The devil, as the saying goes, was always going to be in the detail. It was never going to be easy to attain this, or even to effectively police it. The lack of certainty, knowledge and expertise in most higher education institutions opened them up to exploitation by unscrupulous individuals whose agenda and purpose lay only in personal gain. This section is not about corporate governance, but about the way concepts and structures entailed in governance are manipulated and misused. The following sensitive and confidential account relates, in a serio-comical manner, the “story” of a university “captured” over a period of ten years by an unscrupulous person(s).

**Prologue**

What do you do if you realise that ignorance, uncertainty and lack of direction abounds in a HE institution and that there's money, lots of money, to be made from such ignorance? You are currently working elsewhere but you have a vested interest in the institution. You are also a member of community structures focusing on education matters. You realise that there is a problem within the institution between White (approximately 75% of student body) and Black students and that the relationship between Black (at this stage only about 10-15% of the total academic staff cohort) and White staff members is not what it should be. There are changes everywhere and especially in the HE sector. Laws are made and amended, policies are generated much faster than they can be implemented or understood, Ministers are replaced, funding is


\(^{139}\) Hall, Symes and Luescher (2002)
scarce and there are talks of cuts in funding and worse of all there are muted suggestions of changing the HE landscape. The following could almost be read as an “idiot’s guide” to exploiting such an institution (SA-UOT).

**STEP 1 – Play the saviour**

While there are running battles between students and the police and racial conflicts are at their highest, step in. Work yourself cunningly into the Council being reconstituted (by the way through your own influence while you were in community education structures calling for the Council of SA-OUT to be disbanded as it failed to calm the situation). Quickly work yourself up the Council ranks to be the Chair of Council and immediately choose your close supporters as the Executive Committee of Council. As the unrest start to fizzle out, you are already seen as spearheading a successful Council campaign to normalise things.

**STEP 2 – Strike while the iron is hot**

This key step requires some political manoeuvring. Mobilise some restless desperados or agents provocateurs (in this case final year students that you can promise good positions to, e.g. lectureship) to agitate and call for the resignation/expulsion of the current Rector/Vice-Chancellor. The minute they succeed (as they will because they will never let off until this is achieved, employing every available tactic in the book), apply for the now advertised position and get the lynch-mob to force issues (through choosing the interview panel and other elementary strategies) to get you appointed as the rector/Vice-Chancellor of SA-UOT.

**STEP 3 – All Hail the King**

Now you need to ensure that you have no opposition, you are hailed for the transformation you have brought about and that your long-term interests are guaranteed. To do this, you need to convince all and sundry that you are really committed to good corporate governance, develop some “ground-breaking” documents that tell a story of amazing transformation, select a few trusted individuals as both informers and agents spreading the praises of the new CEO (that is how you start to refer to yourself as).

Although the corporate governance principles are noble and worthy of pursuance by any organisation, they lack in terms of clear implementation strategies. To many Councils and managers in higher education, they are vague statements that, although they make you feel good and look good on reports, cannot really be fully verified unless a concerted effort is made to turn them into practical, policy-based objectives. How then does our hero (villain) side-step these imposing principles, structures and concepts?
STEP 4 – Accomplish structural influences and changes

Once in the Rector/Vice-Chancellor position, move with speed, decisively, to remove all undesired individuals, especially those who have strong views and subscribe to the _primus inter pares_ idea of management, those who still believe firmly in academic freedom as enshrined in the Constitution. This move has three effects; firstly, you ensure that you have as little opposition as possible, secondly, you create positions for payback purposes for those who assisted you into the position and others that will close ranks around you against any resistance, and thirdly, you drive the fear of “God” in those who you keep in positions.

To sustain this terror, introduce new processes like “restructuring” (used to refer to the decisions to move people around into positions they have no competencies to fill, demote others while you promote others all without any credible, justifiable or even defensible reasons) and hold bosberaads (where plans are laid out as to what to do with who and how). Let it be a known fact that after every bosberaad, restructuring follows and therefore let people be terrified of any such “strategic planning” session.

With regard to the structures supposed to govern and manage the SA-OUT, do the following:

_Council_ — make sure that you have a critical mass of persons supporting you there, convince the rest that you are the best thing that ever happened to the University. Cunningly, allocate all the seats reserved for internal stakeholders (including students) to your supporters.

_Rectorate_ — make rectorate very small, only three people. This makes for easy decision-making. Do not even entertain the idea of an extended rectorate or executive management committee, rather settle for a toothless management committee/forum that does not make any decisions, only recommendations.

_Finance Committee of Council_ — this is one of the most important structures for you. You will need to get them to approve all your budget requests. So be a member and then carefully select only a small number of persons (not exceeding five) to sit on it (all of them from your support-base).

_Audit Committee of Council_ — Again as part of the committee, select your people carefully, allow no internal and external auditor interference on the committee. Limit the committee to three or four persons.

_External auditors_ — register a grave disappointment with the current firm of auditors, get Council to allow you to fire them. Have a serious talk with incoming external auditor firm and keep referring to the fate of their predecessors.

_Student Representative Council_ — you need to be careful here, however remember that students are always in need of money. This is your strategy, to lure them with allowances, total use of resources, and now and then reprimand staff members in front of them to show who is at the helm and to assure them that they are in good hands. Go further to select a few that are really struggling academically and have been around for some time as your informers in exchange
for writing-off their debts and assured registration.

**Senate** — what Senate? Drive fear into the lot, allow them to make no decisions in your absence, install a few praise singers and “you’re home dry.”

**Institutional Forum** — make everyone believe that they do not need this, the Institution is transformed enough. Go as far as writing to the Minister of Education stating that employees have rejected the idea of an IF, even though you have been at pains trying to convince them to set one up.

**Lastly,** project yourself as a “born-again” Christian who is not given to callousness and does not tolerate corruption. Surround yourself with hordes of security guards and trained bodyguards, get escorted and driven around by them everywhere you go.

**Congratulations,** the stage is now set for you to put into action your real plan. This includes: Raising your salary so high that the media picks it up, doing the same for some members of your faction. Siphon-off loads of money from the coffers of the institution through contracts with dummy and real companies acting in cahoots with you. Use your company credit-card indiscriminately and way over limits, without submitting proof of purchase. Buy a mansion and use the institution’s funds to furnish it and install security systems for it. On the whole, use as much money as you want and nobody gets to question you. There are a few safeguards you need to employ though:

- Try never to sign for anything, get your senior managers to do it for you (sometimes even your secretaries/PAs).
- Never commit any incriminating decision in writing, rather get your deputies to do it.
- Whenever you need to get rid of “excess baggage” (fire people), which you will need to do often as some start to question or change loyalties, get senior managers to do it, but make sure that you show your sympathy with the aggrieved employee.
- Where necessary, play the victim and throw yourself at the mercy of the masses who “know” your innocence.
- Never trust anyone, laugh with them, but do thorough research on them.
- Maintain a high level of fear and keep reinforcing it.
- Buy a few online awards and get some followers to write some papers and books for you.
- Get a full professorship “which comes with the position”.
- Use anyone you can for your purposes but be careful to get rid of them as quickly as they have served their purpose (be careful to get other people to do it for you).

The steps above have ensured the incumbent ten years of trouble-free reign, being praised and receiving accolades for running the most quiet, smooth and hassle-free institution. No student unrest, no staff turbulence, no union headache,
salary negotiations that took a few hours to conclude and, surprisingly, a healthy financial position. The point is just that. Because the books of the institution and the auditors gave SA-UOT a clean bill of financial health, all were misled into believing that there were no problems, including the Minister. Was this good governance?

Concluding remarks
This chapter set out to explore governance risks and why universities may be placed under administration. It is evident from the foregoing discussions that academic governance, corporate governance, cooperative governance are all good and noble terms. They have a danger of remaining just that if institutions do not become alert and if Councils are not going to insist on proof that they are judiciously carried out and applied within the University. The steering mechanisms that the DHET has put in place to try and ensure good governance are not without flaws nor are they immune from exploitation. Higher education in South Africa has found itself at the crossroads with the advent of the new democracy. The HE system has had to deal with internal difficulties, conundrums and crises as well as external ideological, structural and strategic difficulties. Massification, marketisation, competition, relevance, managerialism, internationalisation and other pressing engagements have plagued the system into a systemic fatigue, ideological disorientation and compliance culture. While confusion and uncertainty reign, people with malicious intents see an opportunity to capitalise on these for their own gain and personal aggrandisement. The system needs to rid itself of such. Against this background, the role of the Registrar as both a governance professional and a “company secretary” is key to ensuring good governance and helping direct Council and other statutory structures in the right direction. Failure to do so constitute one of the most notable risks to the governance of an institution.

\[140\] Cf. works like Bundy (2006), Kotecha (2006), and Seepe (2006)
Case Study References


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This Handbook, the first of its kind in the South African higher education context, is a collective effort of nine university Registrars and their colleagues within the public university sector, and includes contributions from a few external stakeholders, such as from within the Department of Higher Education and Training (DHET), and Universities South Africa (USAf).

The Handbook contextualises and provides a pathway to navigate the role of the university Registrar and the Registrar’s Division in relation to governance, academic administration, legal, as well as administrative responsibilities, amongst other areas, within universities. It explores and relays these functions and responsibilities in a functional and easy-to-read manner. It situates the Registrar within the various roles performed, expanding on the importance of these roles, and provides direction, advice and useful guidelines in ensuring the effective functioning of the Registrar’s Division.

The Handbook is only meant to be used as a resource tool. It is a living document which will periodically be updated electronically, and is also available on the USAf website.

“Corporate Governance and Executive Management in institutions of higher education are only as effective as the people who lead both Council and the Administration. They set the tone and can build or break our universities. Registrars are the glue that bind the two centres of power in the machinery and keep us honest and on track. The compilation of this handbook by a team of accomplished registrars in our HEIs, is most welcome and will hopefully serve as a much-needed tool to enhance the oversight function of our Councils and the management of our institutions”.  
Ambassador Nozipho January-Bardill (Chairperson of Council: NMU)

“A Registrar’s Handbook is a valuable addition to higher education literature, particularly for setting out the position and responsibilities of one of the key administrators in South African higher education. Dr Nita Lawton-Misra is commended for assembling expert contributors who provide clarity and context on the Registrar’s role in the university sector. The timing of this Handbook is impeccable! It comes at a time when poor governance has resulted in many organisations crumbling to the ground. This Handbook is an excellent resource for not only university Registrars, but for university managements and other governance structures, too. It is a great reminder of the fragility of oversight bodies, and of how important ethical leadership is for the success of universities”. 
Prof Tyrone B. Pretorius (Rector and Vice-Chancellor: UWC)