

Chapter V: Substantial Transformation Matters

5.1 Introduction

The previous chapter gave an outline of the process that generated the PUK 2000, BTF and eventually the Institutional Forum, but apart from the process that emerged, certain substantial issues were also dealt with in the transformation process. This chapter will focus on those substantial issues. Since the 1994 decision of Council to initiate a formal transformation process, transformation structures contributed to at least seven substantial issues regarding institutional governance.

5.2 Nominations for members of the Council

The crucial decision taken by the PUK 2000 Forum on 25 March 1995 (PUK 2000: 1995(a)) initiated a process to change the composition of Council. During discussions with the rector, Prof. C.J. Reinecke, it was agreed that the Steering Committee may advise the Council concerning the filling of five vacancies in the Council: four nominations by the Minister of Education, and one with regard to internal institutions by virtue of section 8(1)(h) of the Private Act of the University. The factual position regarding the ministerial nominations was that only one vacancy could be created by persuading two present incumbents to fill the two vacant positions in the category of donor representation. The rector discussed this issue with the Minister and the Director-General on 3 April 1995, in the light of transformation process of the PU for CHE. The proposed measure was approved by the Minister of Education and he showed his readiness to consider nominations for ministerial appointees to the Council (Potgieter, 1999).

By way of an open process where all interested parties were invited to nominate candidates, the technical committee of the PUK 2000 Steering Committee submitted a shortlist of 9 candidates (PUK 2000, 1995c) to the Council on 21 April 1995 regarding the Ministerial positions, together with advise on the remaining vacancy on Council. In response, the Minister of Education, nominated the following four members to serve on the Council:

- i. Dr. E Links (Never took on his appointment due to government placement abroad)
- ii. Prof. A Small
- iii. Dr. EOG Sooliman
- iv. Mr. GB Phage

5.3 Appointment of Council Member and criteria for appointment of two Vice-Rectors

The need to consult the BTF arose with the resignation of Prof. SF Coetzee, vice-rector development as well as the need to re-appoint another ministerial appointee. On 29 October 1996, the BTF met to discuss some of the substantial issues regarding the appointment of a Council member and to develop criteria for appointment of vice-rector (academic) and vice-rector (development). (BTF, 1996 d)

Two events necessitated the restructuring of the University's management structure: *the resignation of Prof. Stef Coetzee, and the growing importance of the University's telematic teaching program.* Council resolved that the role of the Vice-Rector (Development) is of strategic importance and the vacancy should therefore be filled. As far as telematic teaching is concerned, it was resolved that the current vice-rector be freed so that he may give more attention to the development of the telematic program and may also take over some of the tasks of the rector so that he (the rector) can be available for work on strategic level. Given this, a new post, vice-rector (academic) became imperative.

It was during the meeting of 29 October 1996 that it became clear that Council recognised the BTF as an essential structure (together with senate) which can contribute to an orderly management of the University (Potgieter, 1999). Council also approved the way in which the BTF was constituted and reaffirmed the role of the BTF, accepting that recommendations of the BTF will be handled in a spirit of mutual confidence. It also requested the advice of the BTF on filling two vacancies on top management i.e. the two vice-rectors.

To involve all the stakeholders in this process, letters were sent to SASCO, Nehawu and Meshawu to appoint their representatives in the BTF in order to deal with certain burning issues and to see to it that they are not excluded in the process. Their unwillingness, however remained a problem. Nehawu, a trade union on campus, refused to participate in the process until the pending disciplinary action from the university management against some of its members, following the demonstrations of 14 and 15 August 1996 was withdrawn. The Broad Transformation Forum, whilst struggling to get participation of the labour unions (Nehawu and Meshawu) and the students (SASCO and PASO), managed to at least address these two substantial issues.

Procedures for the evaluation of candidates and the short-listing process were discussed by the BTF on the 21 November 1996 (BTF, 1996e) and other meetings that unfolded thereafter. Prof. W.E. Scott was appointed vice-rector (Academic) whilst Mr. S.M. Zibi was appointed vice-rector (Development) as members of the top Management.

Meanwhile, Prof. A. Small, a Ministerial appointee to Council's term expired (30 June 1997) and was re-nominated in consultation with the BTF (BTF, 1997a) for another four years. Mr. J.C. Landsberg's term as representative of the support staff to Council, was extended to the 30 June 1997, whilst the BTF was still waiting for the implementation of a workplace forum (in terms of labour legislation) so that his successor could be appointed from that Forum.

5.4 The development of the BTF framework document

The Transformation Summit on the 21 September 1996 (BTF, 1996b) emphasised the generation of a set of rules that would govern the proceedings of the transformation process. The outline of the document that eventually came to be known as the BTF framework document (See annex one) were designed by Prof. PJJS Potgieter, Prof L.D. Coetzee, dr. CJ Coetzee and Mr. TP Venter during December 1996 (Venter, 1999h). Venter had the draft ready by January 1997 and the BTF, as well as the Watuni Transformation Committee reviewed the working copy. The BTF framework document was formally accepted as the **"Framework for the transformation at the PU vir CHO"**.

The negotiations between role-players finally led to the adoption of the framework document for transformation at PU for CHE on the 14 August 1997. All role players committed themselves, through this document, to the structures and processes to effect transformation at the University. The following issues were clearly outlined in the framework document:

- nature and purpose of the transformation process
- transformation principles:
 - proactive communication
 - inclusivity and accessibility
 - legitimacy
 - transparency
 - accountability
 - consensus decision-making
 - high moral and intellectual quality
 - tolerance
- transformation structures
- the BTF relationship with the Council of the University

- the Transformation Working Groups that would investigate specific issues like governance, accessibility and relevance
- decision-making process: consensus decision-making
- deadlock-breaking mechanisms
- rules for meetings
- code of conduct for role-players

All role players signed the Framework Document except the two parties namely, SASCO and NEHAWU, who apart of being part of the negotiations claimed to have problems with a number of issues. The chairperson of the BTF and the facilitator were mandated to try to persuade the non-signing parties to sign the document – the effort which turned to be a futile exercise.

Whilst the negotiations were still going on in the BTF, a negotiating forum for students was initiated by the Student Council (by then the Central Student Council). That forum was called the Broad Student Transformation Forum (BSTF) and it functioned as a parallel process independent of the BTF. There was an intention by the BTF to incorporate the BSTF as a substructure of the BTF with the view to creating a single transformation process for the University.

Although this document could technically be part of chapter four, which dealt with process matters, the importance of the framework document in the institutionalisation of transformation at the Potchefstroom University made it a substantive contribution. When the Institutional Forum was introduced, one of its first decisions was to adapt the **Framework for the transformation at the PU vir CHO** as its interim rules (IF, 1999c).

5.5 Comments on the Green Paper on Higher Education

While the BTF was busy discussing its framework document, inputs were also invited on the Green Paper on Higher Education. Inputs varied from the

stakeholders wasting their time because anyway the ANC is going to accept the document without their comments, to concerns about the institutional autonomy of the university. Despite some stakeholders being sceptical about the document, the BTF at least gave them a chance from February 1997 until around the end of March 1997 to bring their inputs forward, before sending the BTF's agreed proposals together with the proposals of Management to the Ministry of Education (BTF, 1997c).

5.6 Advice on the Private Act and Statutes of the University

When the Higher Education Bill was published in 1997, it became evident that important changes had to be made to the University's Private Act and Statute in order to meet the Bill's requirements. The establishment of an Institutional Forum was going to be one of these changes. To facilitate this, the BTF was requested to prepare itself to contribute to the proposed changes, once the Bill became an Act. When the Higher Education Act was promulgated on the 19 December 1997, there was already progress in the transformation process of the PU for CHE (Potgieter, 1999). It was expected from all institutions to comply with the Act within 18 months. Following the proposals that were made by both the BTF and the Watuni Forum and presented to the Council on 27 November 1997, the Management Committee met on 27 January 1998 to discuss all procedures regarding the amendment of the Private Act and Statute of the University.

The Higher Education Act, 101 of 1997, stipulated that every institution of higher learning should have an Institutional Forum (article 31), in which the number and the manner in which they are appointed or elected, as the case may be, are determined by the institutional statute or an Act of Parliament. The BTF and the Watuni Forum were thus requested to advise the Council on these issues before the end of April 1998.

The April 1998 deadline as referred to, was as a result of the fact of the shortened parliamentary sessions of 1998/1999, as well as the national elections of 1999. This persuaded an agreement with Department of Education and the Minister of Education that amendments of statutes and Private Act, where necessary, should be submitted to the Department of Education before the end of April 1998. This process also had an impact on the appointment of the new rector of the University as the term of the Rector was supposed to lapse on the 31 December 1998 after 11 years. Therefore, the BTF was also supposed to advise the Council on whether the Rector's term should be extended or whether to look for a new Rector. This was supposed to be done in relation with Statute and the Higher Education Act.

This suggest that for the first part of 1998 the BTF had to deal with three substantial issues:

- Advice to Council on Institutional Forum
- The term of the Rector
- Commentary on the Management Committee's amendments to the Private Act and Statutes

5.7 Advice to Council on Institutional Forum

After invitations were made to the BTF and the Watuni Forum to prepare advice regarding the establishment of an Institutional Forum, the following were presented to Council (BTF, 1998c):

- Institutional Forum was proposed as name for the forum.
- Composition and membership of the Institutional Forum

The Higher Education Act also determined the major categories of stakeholders that should be represented on the IF in article 31(2)(a-f). In article 31(2)(g), however, scope was created to add additional categories and thus the two

Forums suggested an additional category. The following were proposed to be included in the IF:

- One representative from the management committee
- Two members appointed from Council, excluding members of the management committee
- Three representatives from Senate of which one must represent the Vaal Triangle campus
- Three representatives from the academic staff, one representing the Vaal Triangle campus
- Five representatives from the support staff
- Six student representatives representing both campuses
- Two representatives from the local communities, one each from Potchefstroom and Vaal Triangle
- Two representatives from the alumni
- Members of the IF elect a chairperson and an executive committee from among its members
- The chairperson of the IF is an ex-officio member of the Council and the Private Act must make provision for this.

It was suggested that each stakeholder develop its own particular process to elect or to appoint representatives on the IF taking into account the following:

- Sensitivity to gender and race
- The nature of the University, including issues such as the multi-campus situation

A three-year term for members of the IF was proposed, except for student representatives where the term should be one year. No limit was proposed for the number of terms that a member may serve on the IF.

As a special provision to set in motion a process of continuity on the IF, it was proposed that the following members be re-elected in 2000:

- One member of the Council

- Two members of the Senate
- Two members of the academic staff, and
- Two members of the support staff

5.7.1 Functions of the Forum

In terms of article 31(1)(a) of the Higher Education Act the Institutional Forum has to advise the Council on the following:

- race and gender equity policies
- the selection of candidates for senior positions
- codes of conduct, mediation and dispute resolution procedures
- the management of multi-cultural situation on campuses
- matters relating to the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching , research and learning; and
- the implementation of this Act and the national policy on higher education and on any matters the Council may want advice of the IF.

5.7.2 Structure and substructures of the Forum

It was proposed that the IF structure itself in terms of a number of substructures, including the right to co-opt non-IF members on this sub-structures. It was proposed that the IF appoint technical committee to deal with requests from Council of a specific or policy related nature; and standing committees to deal with campus specific issues. Standing committees may be structured in such a way as to make provision for the co-option of campus related interests and problems, for instance organised industry in the case of Vaal Triangle campus.

5.7.3 House rules of the Institutional Forum

It was proposed that the statutes of the Private Act of the PU for CHE make provision for the IF to develop its own house rules. It was further proposed that

the IF make use of and further develop the established procedures already developed by the BTF and the Watuni Forum, including the BTF Framework Document. (See annex one)

5.8 Joint response of the BTF and the Watuni Transformation Committee on conditions that necessitated the re-appointment of the Rector

The University was confronted with a situation in 1998 where both the rector and the vice-rector's terms were ending at the same time, that is 31 December 1998. A request went out to all stakeholders, including the BTF to develop advice on the issue of succession. During a joint session of the BFT and the Watuni Transformation Committee (BTF, 1998(b)) the following resolution was adapted by the two forums and forwarded to management committee:

“After considering all the relevant factors and with specific consideration of:

- i. the legal position of the PU for CHE*
- ii. the process of transformation at the University*
- iii. the internal restructuring of the PU for CHE*
- iv. the strategic positioning of the PU for CHE*
- v. the external environmental factors, and*
- vi. the end of term of the vice-rector*

It was the considered opinion of the BTF and Watuni Transformation Committee that the conditions in which the University finds itself, as well as the different processes that must be managed, continuity in the management of the University is demanded.

The BTF and the Watuni Transformation Committee were therefore, of the opinion that the term of office of the Rector should be extended to his required retirement age, with the following provisions:

- that the selection process for a new rector starts early in 2001, and*

- *that an appropriate period be allocated in 2001 for a stable transition.*”

5.9 Process contributions

Both the Watuni Transformation Committee and the Broad Transformation Forum contributed in the process development and by creating legitimacy for this process through inclusive discussions. Several meetings were held by these forums in order to develop a framework of the rules of the game for all stakeholders of this process. It should be remembered that the BTF was preceded by a Steering Committee and a Transformation Committee that were established by the PUK 2000 Forum, a broad meeting to which all role-players were invited. The BTF was established at the Transformation Summit of 21 September 1996.

The route that the PU for CHE followed managed to contribute:

- On the level of mindset – it exposed blacks to whites and vice versa (management, students and support staff)
- Towards changing University Council
- Towards dealing with conflict on campus
- Towards the implementation of the Institutional Forum as prescribed in the Higher Education Act
- Towards the restructuring of some departments (employing lecturers of colour)
- Towards improving inter-cultural relations and tolerance in the work environment
- Creating a spirit of tolerance amongst students with little incidence of violence

The real transformation is not yet visible but through the implementation of the Institutional Forum one hopes to see much more changes. The real process of transformation will thus start with the implementation of the forum. Also it should

be noted that the composition of this forum will also give direction on the pace of transformation at this campus. This suggests also that the kind of leadership the University has, from Management to students, will determine the success of all the mentioned efforts in this chapter to bring about a successful change. Whilst the BTF and Management were busy with the transformation efforts, the students also engaged themselves into a forum called the Broad Student Transformation Forum.

Transformation is a prerequisite of a successful change. All the phases and processes that unfolded finally sent a message that where the institution is going is more important than where it is coming from.

5.10 Conclusion

Bringing about change at universities is a very delicate process. Universities throughout the world have seen new parties, new governments and many new ministers of education come and go, with little or no change to the system or the institutions. A positive aspect of this conservatism is that it provides an important stabilising effect on society. A negative consequence is that almost all external change is resisted. Whilst most sectors of South African society (political parties, parastatals and business) have accepted the need for change, universities are still struggling to accept the principle of a negotiated transformation. As illustrated in this chapter as well as the previous one, most of the constituencies agree that change is necessary – whilst disagreeing on the nature of the change required, priorities and the process.

However, the transformation process also pointed to serious structural and process deficiencies at the PU for CHE from 1994 to 1999. These were:

- A lack of capacity, not only in the knowledge of constituents in the transformations process, especially dealing with substantial issues, but also in terms of time and resources. The pressures from management, usually in

terms of time frames made quality feed-back and contributions difficult to attain.

- Participatory patterns were also not very satisfactory, especially from students, trade unions and external constituents. Long and extended meetings made BTF meetings unpopular opportunities and the very busy schedules of students and staff made it difficult for parties to attend all meetings. Trade unions used the BTF to leverage support and power to attain goals that had very little to do with institutional transformation.
- Transformation agendas were not all pointing in the same direction. This was especially clear from the difficulty the BTF had in developing inputs on the Green Paper, the Statute and the extension of the terms of office of the rector and vice-rector.
- The BTF functioned on the resources of the Dean of Student Affairs and the time donated by staff and students. Very little was contributed by the University when the process started. By 1999, however, the BTF did have access to a limited budget.
- With the lack of capacity and the participatory patterns, the BTF and to a certain extent the WTC experienced legitimacy problems in terms of the impact of their decisions as well as the status that the Forums had within the University.
- The legitimacy of the Forums were also hampered by the lack of statutory definition of the Forums, a situation that was partially resolved with the introduction of the Institutional Forum on 24 July 1999.