

3 UNIVERSITY GOVERNANCE

3.1 Viewpoint on education and the Constitution of the RSA

3.1.1 The broad education system

With a view to the promotion of education and training of countries, extended education systems have come into being in the course of years, but more especially during the past century. **The aims of the education and training system can broadly be summarized as the development of the human and intellectual potential of the citizens of the state, as well as education towards maturity, independence and useful citizenship in the broadest sense of the word.** The education system strives to realize these aims by presenting a variety of education and training programmes.

The comprehensive aim of the country's education system was already formulated broadly as follows in the Government's Draft White Paper on Education and Training (Government Gazette No. 15974, 23 September 1994):

"3 Education and training is the major vehicle for human resource development. In the RDP it is seen as a broad-based set of activities, without boundaries in time and place. The underlying goal is that all South Africans should have access to lifelong learning. It should be available not just in schools and other educational institutions, but in homes and workplaces. General education and training components are to be built into specific projects of the RDP, such as public works programmes and youth programmes, so that participants can achieve a permanent learning dividend from their experience.

All learning programmes fundamentally consist of learning content. The three components of learning content are: **knowledge** offered to learners, **skills** which have to be developed in learners, and the **values** which have to be inculcated in the learners for the purpose of development of desired attitudes.

In conjunction with this the ANC's Reconstruction and Development Programme (1994) states

*"We must develop an integrated system of education and training that provides equal opportunities to all, irrespective of race, colour, sex, class, language, age, religion, geographical location, political or other opinion. It must address the **development of knowledge and skills** that can be used to produce high-quality goods and services in such a way as to enable us to **develop our cultures, our society and our economy.**"*

Any education system - thus any system which has inculcation of knowledge as aim - could be defined in terms of the different aims which occur in it, and the prescriptions with regard to the objectives that the educator has to set. The combination of aims and objectives in an education system will therefore characterize the relevant system.

From the fusion of aims and objectives, and therefore of the components of curricula and syllabi, different combinations of education systems can be established which will in turn lead to the establishment of new education and training systems. This has led to the development of types of institution, in the form of sub-systems in the education system coming into being which offer characteristic types of education and training programmes. These sub-systems constitute the South African system of education and training. Support is therefore given to the definitions below of the sub-systems of the broad education system resting on promulgated national policy, as rendered in the study document of the Department of National Educational, branch National Education Policy, with the title: "The structure and functioning of the Education system in the light of the new Constitution", NATED 02-328 (94/05), June 1994:

- (a) The ordinary primary and secondary school in the junior secondary phase for generally-formative education (which can also be career-preparatory), and the secondary school in the secondary phase for generally-directed and career-directed education.
- (b) Technical colleges for pre-tertiary, post-school and post-secondary career education. Here the emphasis is strongly on the skills and concomitant values considered necessary for the relevant career. In some cases the programmes are co-ordinated with career training taking place in the workplace.

- (c) Career colleges, such as teacher training colleges, nursing colleges and agricultural colleges for career education and training programmes in line with the needs and requirements of the specific professional sectors at the post-school level. In some cases the programmes are multidimensional with regard to both the knowledge and the skills components because of the nature of the needs.
- (d) Technikons, which have the objective of preparing professional practitioners and which focus, with regard to knowledge transfer, on a single or a limited number of subject fields. Technikon programmes are also selective in terms of the requirements of the relevant professions with regard to the development of skills and values and attitudes.
- (e) Universities, which have as general aim the inculcation of scientific intellectual ways of thinking and doing. For that reason the training programmes are multidimensional: strongly directed at the development of intellectual skills, and, where applicable, also the apposite physical and social skills, as well as the values which are a concomitant of scholarship and which are linked to the learned professions.

These sub-systems each has a unique aim reflecting a specific mission and which offers a unique institutional form and culture. Each serves a specific clientele and sets specific admission requirements and standards of achievement. The sub-systems are located in specific relationships to other systems in society (government as well), and with each other reciprocally. The education system and its sub-systems develop continually, and cannot therefore be regarded as static. The descriptions above can therefore be changed and extended and adjusted to the extent that changing circumstances necessitate new programmes and systems.

3.1.2 The higher education system

It is not yet clear to what extent the present higher education system could be accommodated within the new broad system. The question also arises as to how the present structure will be changed by the Government with regard to advisory bodies, buffer bodies and statutory councils with regard to tertiary education. Further discussion on this point is provided in point 3.6.

The Government White Paper on Education and Training (1995) section 2, chapter 5, explains that the 1993 Constitution is not clear on how post-secondary education would have to be planned further:

"67 The 1993 Constitution has created uncertainty about how post-secondary education is to be planned, with universities and technikons being a national function and teachers, technical and other colleges being located under the provincial governments.

68 These and other significant issues which confront the sector are well known. The institutions are unable to resolve them on their own, individually or collectively, although substantial innovative and developmental work is being done."

Yet illuminating and important acknowledgements and views on higher education are given in the White Paper, which testify to thorough insights by the Government with regard to this crucial issue:

"69 The Ministry of Education is well aware of and upholds both the tradition and the legal basis of autonomous governance in parts of the higher education sector, especially the universities and technikons which fall in the sphere of the national government. The Ministry also has the responsibility to advise the government on whether this vast infrastructure of intellectual and professional endeavour, substantially supported by public funds, is yielding a good return to the nation, and how it might be assisted to do better."

From this the question can be posed concerning the nature of a future higher education system.

3.1.2.1 The nature of a future higher education system

The National Commission on Higher Education has the important terms of reference to make recommendations with regard to the future broad higher education system. It is of the greatest importance to gain clarity in this regard about the values and principles underlying a proper higher education system.

Of importance is the question as to whether the higher education system should function at the national or the provincial level.

3.1.2.2 A national and a provincial system

Education and training are affected fundamentally by the new Constitution.

In section 126(1) the Constitution determines that a provincial legislature has the competence of promulgating laws for the province with regard to all matters pertaining to the functional fields as mentioned in Annexure 6 of the Constitution. Annexure 6 stipulates that **education at all levels, with the exception of university and technikon training**, falls in the ambit of the legislative competencies of the provincial legislatures.

In terms of the above stipulations and those included in section 164 which deals with the objectives and the activities of the Commission on Provincial Government, each province should create suitable administrative institutions and structures to administer the provision of education at all levels (excluding university and technikon training) for that province. Such structures, which can be education departments, will, if the present practices should be perpetuated, execute their responsibilities autonomously subject to the authority of the executive powers in the provinces which have to be instituted in terms of section 144 and the stipulations of section 212.

Section 126 thus regulates how the activities in the field of education and training (but excluding university and technikon training) should be divided between central government and the provinces. In terms of this Parliament has to limit its legislation to that which is admissible in terms of the tests prescribed by the Constitution, viz.

- only those issues which **cannot** be legislated **effectively** by provincial legislation;
- when issues have to be **organized and co-ordinated** in such a way, this has to be done by way of **uniform and universally valid norms or standards**, and
- issues for which it was necessary to determine **minimum standards right across the country** which are **uniform** all over.

From this it can be deduced that the greater majority of the responsibility for the provision of education and training, that is, to maintain education/training establishments, and to manage them, to appoint education personnel and to provide and apply resources for the continuation of education and training will rest with the provincial legislatures. Parliament can promulgate laws only about those facets which cannot be ruled properly by the Provinces, for which countrywide minimum standards have to be set and which should occur by way of uniform and generally valid norms or standards.

In terms of the Constitution the national system of **Higher Education** consists of the following:

- Universities and technikons which confer first diplomas and degrees as well as post-graduate diplomas and degrees which fall under the auspices of the national government in terms of the Constitution;
- colleges which confer diplomas and certificates in professional or career training in education, nursing, agriculture, technical, police and military science and which fall under the provincial authority of the province where they are situated.

That the execution of authority over especially **teacher training** has become a matter of great difficulty for the provincial and national governments emerges from the White Paper on Education and Training, which the following is communicated in section 2, chapter 5 and the following intention is stated:

"38 The Ministry of Education is strongly of the opinion that teacher training is a uniform field and that it should properly fall under higher education. The Ministry will wait for advice on this issue from the National Commission for Higher Education which is discussed below, and

39 This does not mean to say that the teacher training colleges which at present fall under the different provincial education departments will not fall under them any more, seeing that the Constitution is clear on this point. What is needed are bridges between

the national and provincial levels which should be built in an imaginative way so that the planning and development of the sector can proceed in a purposeful, coherent and cost-effective manner.

40 The Ministry regards teacher training (with the inclusion of the professional training of trainers and educators) as one of the central pillars of a national strategy for the development of human resources, and the growth of professional expertise and self-confidence is the key to teacher development. It is the responsibility of the national level of government to provide regulatory mechanisms in terms of which the institutions and bodies responsible for programmes should dispose of a great deal of manoeuvring room to design and to deliver these programmes.

41 The Ministry of Education therefore requires suitable advice on all aspects of teacher training policy. This includes structure and careers in the education profession, supply and demand factors, initial teacher training, initiation, in-service education and professional development, whether at institutions or supplied through distance education methods. The Committee for Teacher Training Policy (CTTP) will continue to fulfil this advisory function as a sub-committee of the Committee of Principals of Education Departments (CPED). The desirability of a statutory National Council for Teacher Training (NCTT), which will represent all higher education institutions and other interested parties in this field, with the inclusion of education training colleges, the education profession and the provincial education departments, will still be investigated in the light of experience and such advice as can be rendered by the National Commission on Higher Education.

42 The provincial education departments, and the education faculties of universities and technikons, will be responsible for the redesign of teacher training programmes in line with the new values, objectives and principles of national education and training policy as determined by the Minister."

This University would have no objection in principle should teacher training at colleges, like teacher training at universities, be brought under the auspices of the national government.

Yet objections might be raised, for example that teacher training should also be directed specifically at needs which might exist within provinces with regard to school education. It might be argued that it might give rise to insurmountable problems if teachers who have to serve the school system of a given province should have been trained at an institution where the province could not make any input or to whom they owe accountability.

On the other hand it cannot be denied that teacher training is a uniform field which should fall under the higher education system. For that reason the universities which offer teacher training should also take due cognisance of and remain in contact with the relevant provincial authority in order to ensure of inputs and needs of this authority which is responsible for the provincial school system. In this regard the provincial authority is therefore also an interested party of the relevant university.

Although it is not a foregone conclusion that teacher training at teacher training colleges should fall under the national government, this University would like to make the following proposal:

That teacher training and teacher training colleges should be brought under the national Department of Education in cases where it is practically possible to link up such colleges with universities also offering teacher training programmes. Teacher training at such colleges and universities should be done in close co-operation with the relevant provincial authority, but with due regard to the autonomy and academic freedom of the university, in order to:

- determine educational needs;
- discuss required standards;
- clarify issues on the composition of syllabi of degrees and diplomas, and
- determine the contents of courses following consultation.

This University is of the opinion that this proposal can create an ideal higher education system for teacher training. In this way a university which is linked with a college can

provide teacher training for the pre-primary, primary and secondary school systems. Not only will this ensure a properly integrated training system, but it also provides service to the whole education system where it is not always possible to do this within a specific teacher training college or only for the educational needs of a specific province.

A very good example of such liaison between a university and a teacher training college is to be found in the tripartite agreement reached in this regard between the State, the PU for CHE and the Potchefstroom Teachers' Training College (POK) which has been in operation for two years.

For the PU for CHE and the POK the placing of this College at the national level, but linked to the PU for CHE, would be the ideal situation. Close co-operation with the provincial government in the North-West Province as a direct stakeholder in this teacher training would be essential, however. For that reason it would be fitting, given the whole situation, to have a member or members of the Council of the PU for CHE appointed by the Minister of Education after consultation with the provincial Department of Education.

Where such liaison is not practically possible between a university and a college, one would have to pay note to the possibility of co-operation agreements with universities with regard to academic programmes. In such cases it would not be of special importance whether the colleges could be brought into the sphere of the provincial or the national government, but the remarks in par. 39 of section 2, chapter 5 of the White Paper on Education and Training, quoted above, remain in force.

3.1.2.3 Values and principles of the higher education system

The higher education system of the country will be based on democratic principles.

It is also clear that the system will be evaluated externally in the first place by way of democratic principles and values, and will secondly be tested internally by way of these. As regards external evaluation, it is accepted that the Constitutions which had up to now been applicable in South Africa have been defective in terms of not having a really democratic character, as the larger part of the population had been excluded from the exercise of their democratic right to vote for the government and to share in the privileges thereof. There are great expectations at present, now that all citizens can exercise these rights and privileges, that the State and the executive will have a far larger degree of legitimacy. The striving for a truly democratic dispensation, also with regard to the education system, can be regarded as a shared ideological driving force behind the introduction of a new Constitution.

There are however, very different definitions of the concept democracy. It is also important to note that the interpretation which is followed is of crucial importance for the way in which the aims of the Government, as well as the interaction between Government and the educational system, will be understood and structured.

As a general point of view it should be stated that a democratic (higher) education system for the new dispensation means the acceptance of a central responsibility for the provision and maintenance of a system accessible to all who would qualify for entry into it; in which the necessary standards will be maintained; it would see to the development of human resources and will be a system in which the autonomy of and academic freedom at institutions of higher learning will be guaranteed.

Judged externally, the higher education system should therefore comply with the following democratic values and principles:

- it should accept central responsibility for the proper provision and maintenance of a system with high standards;
- it should be accessible to all persons who might qualify for entry into it;
- it should dispose of the inherent quality to develop human resources to a high level and to see to the delivery of high level manpower;
- it should be a system in which institutional autonomy and academic freedom are guaranteed.

The point of departure is therefore stated that the higher education system in its external evaluation should rest on democratic principles if recognition is given from the side of

government and community to the freedom of a higher education institution to control and management its own affairs **within the boundaries of general norms and principles with regard to education and training as laid down in the Constitution, other statutory stipulations and general policy.** This amounts to respecting the autonomy of and academic freedom within such institutions. Such an institution for higher education also serves the needs of a democratised community by contributing to the promotion and maintenance of the community.

It will also be expected of the higher education system to comply with the requirements of democracy internally. This would imply that active consultation should take place with all its stakeholders, including all staff, students, parents and certain constituencies of the broader community in order to

- legitimise the existence of the relevant institution for higher education,
- make the mission, aims, objectives and strategies acceptable for its stakeholders, and
- clarify the structure by means of which it intends, in future, to run itself (for example, the formation of an Forum, and the composition of the Council).

In the Government White Paper on Education, section 2, chapter 4, it is stated:

*"11 The principle of **democratic governance** should be reflected increasingly at each level of the system by the involvement through consultation and apposite forms of decision-making of elected representatives of the most important stakeholders, interest groups and role players. This requires of the education authorities at all levels a commitment to share all relevant information with groups of stakeholders and to treat them as true partners. This is the only guaranteed way to infuse new social energies into the institutions and structures of the education and training system, to eliminate large sectors of the chronic alienation of society from the education system, and to limit the ability of government to interfere where it is should not be done."*

In the ANC *Policy Framework for Education and Training* (1993) the internal democratic values of a higher education system are summarized as follows:

"Democratic values of representativity, accountability, transparency, freedom of association, and academic freedom will underpin the Higher Education system."

A democratic education system is therefore especially based on the following internal democratic values:

- Involvement or representativity of stakeholders;
- Transparency of decision-making processes;
- Public responsibility and accountability;
- Freedom of association; and
- Autonomy and academic freedom.

These **five basic internal values** of a democratic education system will be evaluated briefly below.

(a) The involvement or representativity of stakeholders

It is a sensitive and difficult issue to decide on who might be properly regarded as being an institution's stakeholders among the general community - and how they should be involved. One cannot do other, however, than to create an inclusive process of consultation with possible stakeholders, and one should try to reach compromises as to who the real stakeholders should be of a specific higher education institution.

The process of consultation by means of which one should arrive at the above aim should begin among the acknowledged and known stakeholders of a higher education institution. In order to ensure that the full spectrum has been involved, the issue has to be clarified with other possible role players in a consultative capacity. Initially one would have to involve all possible role players in the consultative process. The

eventual aim is that, in the light of the nature of a higher education institution, one should make certain about the involvement of the constitutive stakeholders whose representation is usually at the level of the Council of such an institution. This is then a process which should lead finally to a new composition of councils, senates and other committees of the institution. It is an essential process to determine whether the stakeholding groups (including staff and students) have an adequate measure of sharing in the decision-making and management processes.

In point 3.5 below the process of democratization at the PU for CHE is reported on.

It is also essential to get clarity about the concept representativity. In the *Policy Framework* (1993) of the ANC it is stated that:

"Institutional governance at all levels will provide for the effective representation of all institutionally-based constituencies and the wider community."

In point 3.2.1 below the argument is advanced that the nature and essence of the university as an institution (and certainly also a technikon) is situated in the conjoining of relevant societal relationships in the "universitas" and it should be noted whether the governance structure of a given institution reflects this composition. It is argued that this conjoining is based on the creation of a new societal relationship, a new entity, the university, which has an independent existence, apart from its constitutive societal relationships. The composition is therefore not based on the principle of juridical representation, because then the higher education institution loses its autonomy at the expense of its constitutive societal relationships, who might then through their representatives control and prescribe to him. In this way the elected or appointed individuals of the stakeholding societal relationships lose their independence in terms of helping to manage the higher education institution according to their own insights and from their specific viewpoints and angle of vision.

Representativity should therefore mean that the higher education institution is composed at the higher level of authority, in the Council, of real stakeholders. These stakeholding groups should have the right to nominate people to the Council who are, in their opinion, suitable to help manage the institution in the proper way. **The stakeholding groups of the higher education institution therefore empower the Council with competent individuals who know the needs of precisely these stakeholders, in order to see to it that the higher education institution is properly managed and run in the interests of all.**

(b) Transparent decision-making processes

A transformed higher education institution means an institution which has reached the point, through a consultative process of negotiation with its proven stakeholders, where the stakeholders will accept and support the structure by which the institution is going to function, as well as its vision, mission and aims. After this there can be no doubt any longer about the rights with regard to management and control of the institution through its competent agents.

Such a transformed institution should, however, on an ongoing basis take care that its governance should be seen as a transparent decision-making process which in turn rests on the following values and principles:

- proper consultation and communication;
- effective feedback.

Apart from the fact that the highest body of authority of an institution (for example, the Council), should be sensitive all the time to consultation, communication and feedback to other structures to the extent that the rules and regulations of the institution might prescribe, it might be necessary also to maintain this with especially the internal stakeholders (such as the staff and students). It would therefore be necessary for this University to evaluate the present Forum which is existing at the University thoroughly and to establish it on a permanent basis within the correct guidelines. The way in which this is to be done is in the nature of things still in the planning stage, but a

participatory process is needed to obtain success with this. The framework within which the planning is to be done will be dealt with later in this chapter when transformation at the PU for CHE is to be discussed.

It should be emphasized, however, that the concern in this regard is also about the exercise of one of the fundamental rights of a higher education institution, which is autonomy. As will be stressed in points 3.2.2 and further on, this right cannot be infringed in an unreasonable manner, or by any stakeholding group such as staff and students.

(c) The public responsibility and accountability of the university

In point 3.3.1 below it will be indicated that the relationship between state and higher education institutions rests on **responsibilities** which cut both ways.

Seen from the point of view of the state, this responsibility implies a duty to **recognize** such institutions as autonomous and to **protect** them as such. This also implies that the state should support such institutions financially with all reasonable means at its disposal.

As the obverse side of the coin of this responsibility of the state, there is a responsibility of institutions to show **accountability** towards the state.

This accountability of institutions of the higher education system in essence amounts to public responsibility and accountability. "Public" because the institutions are financed by the state to a large extent with public money and in terms of this they therefore have a responsibility and an accountability towards the state and the community (which includes the special communities such as parents, donors, students, etc.) to run and manage that investment properly. The public accountability and responsibility of these institutions also extend to issues such as quality and standards, what kind of education is provided and up to what level, etc. In essence one could say that the public responsibility and accountability rest on the financial and other support which the state and the community offer the institutions and that public accountability is therefore necessary. This responsibility to some extent curtails the autonomy of the said institutions. Depending on the nature and the character of this (in other words, as long as these are reasonable constraints) they can be seen as essential constraints in a democratic society.

(d) Freedom of association

In terms of section 17 of the Constitution freedom of association is one of the fundamental rights of individuals. In the educational framework one should also read this right in conjunction with sections 14(1), 31 and 32 of the Constitution. In terms of this a person has the right to use his or her language of choice, to be taught through that medium, to have freedom of conscience, religion, conviction and opinion and the right to participate in the cultural life of his or her choice.

Because education and training mostly have to do directly with the exercise of these rights and freedoms, it means that the education system should also make specific provision for the accommodation of these rights. This is done through the stipulations of section 32(c) of the Constitution which grants each individual (also a *legal entity*) the right to establish an educational institution based on a shared culture, language or religious association. Through the exercise of his right to freedom of association the individual therefore now has the opportunity, without being discriminated against on the basis of race as stipulated in section 32(c), to gain access to a (higher) education institution where he can be taught in the language of his choice, in which the culture of his choice is practised and where education is based on the religious foundations with which he can associate.

Such a (higher) education institution is properly founded on the democratic principles of freedom of association. The constitution protection of institutions of higher education is also dealt with in point 3.5 below.

(e) **Autonomy and academic freedom**

In order to provide an explanation for the specific qualities of autonomy and academic freedom linked to institutions of higher education such as universities, it is essential, with regard to universities, to consider the nature and essence of these institutions properly, together with the relationship between the state and institutions of higher education such as universities.

3.2 Academic freedom, autonomy and accountability

Although the principles which will be considered below can also be made applicable to other institutions of higher education, emphasis will be on the university, because this is an issue on which the university can express an opinion. Because the university is, in terms of its essential character, an institution for education and training, it constitutes an essential part of all educational institutions in the country. School and university therefore cannot be separated in essence, but can be distinguished in that the university, in its educational practice, uses two specific modes which are not applicable to the school: on the one hand the practice of science/scholarship with its own specific methods and contents, and on the other hand training for the professions, with their own requirements in terms of content and specific methods. This gives the university its unique ethos and character.

Emanating from this it has to be stated that the **nature** of the university is a complex of known phenomena in a new relationship not found anywhere else, and it is **intended** to be an institution for higher education, a focal centre for learning, research, education and training, that is, of scholarship. This is the highest, the third and the last step in the education system of a country. This education is not primary (practical) or secondary (generic) in nature, but tertiary (philosophical in the most encompassing sense of the word). It is not general, compulsory or free, but has the specific aim of working with those who do have the necessary intellectual and spiritual aptitude or ability; it is strictly professional and purely scientific.

The nature, essence and directedness of the university can be seen as determining on all its activities a particular quality which can be seen in its relationships, its financing, the exercise of its culture, art, politics on campus, etc. - always with the retention of its essential academic quality which differs to such an extent from other exercises in the same field that they can without any trouble be recognized for what they are.

In the determination of the essential elements of the university in the general sense, the elements of the special nature and intendedness or directedness should therefore emerge clearly.

3.2.1 The nature and functions of a university

3.2.1.1 The nature (essence) of a university

The essence of a university is to be found in its unique nature, that is, that which characterizes only the university, nothing else, and that for which it is intended.

This University's view of this issue also avoids the extreme views which hold, on the one hand, that the university should be supranational, or on the other hand that it should be purely a national, or people's, university.

For that reason it is necessary briefly to note the essential elements of a university, which would include the following:

- **an independent societal relation, autonomous and sovereign in its own sphere and constituted of stakeholding societal relations**

This has the effect that the university has its own nature (essence and intendedness), functions, calling, organization and control, separate from all other societal relations.

The university came into being and keeps on existing through different societal relations, becoming linked in a new unit without the original nature and functions of the societal relations being relinquished. This new unit is then conjoined for a unique purpose, viz. the practice of science/scholarship as will be outlined later. These conjoining societal relations are not chosen at random, but have a real and direct interest in and link with the university and its functions. The following are stakeholders:

- groups from the community such as donors, alumni, parents and other groups which have a proven direct interest and link (such as a church denomination in the case of this University);
- the state; and
- the academic corps (academics and students) and also other staff from the support services of the university.

Usually the conjoining of these stakeholding societal relations is visible in the composition of the highest body of authority of the university, which is the Council. Should this not be the case, a university would have to give serious consideration to the composition of the Council, otherwise there would be a distorted relationship to within and without.

The members of the Council appointed by the different stakeholding societal relations are not juridical representatives of the various relations. This is so because they are not mandated by these groups and they also do not have a duty to report back to them. They are therefore free and independent and are appointed by the societal relations in order to apply their knowledge and experience in the best management interests of the university.

- **endowed as a legal entity**

This gives juristic shape to the corporate feature element of the university through which it is enabled to act independently to the outside world as the independent bearer of rights and duties and to work, in this way, in the field of higher education, research and community service.

- **a national and community link and involvement**

This typifies the university in its national link within a specific state and its intertwined linkage with a specific community or communities for the sake of the service which it renders in the national and community relation. The university is therefore neither supranational nor a state possession, but is in all instances part of the fabric of the community from which it emanates and in the communities within which it renders service.

- **an international involvement and bond**

This typifies in its turn the fertilizing co-operation and interaction at the international level without which scholarship would stagnate and ultimately fall into disuse and oblivion.

3.2.1.2 The functions of a university

From its essence and composition emanate the functions of a university as they should also be seen in the contemporary context. Here we concentrate only on the primary or main functions of a university without denying the existence of the secondary functions.

The functions of a university on the one hand encompass the traditional functions and on the other hand accommodate the additional contemporary functions as accepted by the university system. The exercise of these functions enfolds the core task of the university which can be described as the practice of scholarship or the practice of science.

- **The university promotes learning (science) through research and education (application of science)**

Scientific practice with regard to this function of the university in the first place involves the retrieval or discovery of existing knowledge of science, and in the second place the development of new knowledge, with in the third place the conveying of such knowledge to students.

- **The university develops its students**

Scientific practice at university is also directed at a process involving the focusing, development and application of innate gifts of the mind: intellectual, emotional and volitional in order to deploy these fully at the various levels of advancement.

- **The university prepares students for specialized professions**

To the extent that the university has also decided to prepare students for specific professions for which high academic qualifications are needed, the training and education should also be

done along that route of that branch of the encyclopaedia of knowledge which would constitute the foundations of that profession.

- **The university prepares its students for societal and cultural life**

Here the concern is with the task of the university to provide society with well-educated and equipped citizens to function effectively in the fields of culture, the arts and social life. The university therefore also acts as a centre and an agent for cultural development, aimed at tying in with the cultural and social values of the support communities.

The extended function of the contemporary university, viz. community service, has separated logically into the following two functions as the fifth and the sixth main functions of the university:

- **Community development through partnerships with the public and private sector**

It is especially in a developing country such as South Africa that this function has received a new impetus and meaning, and in practical terms this has culminated in the following three phases which can be defined as the marketing of expertise through partnerships, viz.

- to empower the community and the state to attain a competitive edge with regard to the retention or acquisition of products and services;
- to address large community problems and/or issues; and
- to facilitate training of people outside the formal training for degree and diploma programmes (the empowerment of people through capacity-building programmes).

Aspects of this facet of the University are discussed more fully elsewhere in this Report.

It is also characteristic of this extended function of the contemporary university that these activities often generate funds by way of agreements or sponsorships, at times also in partnership or co-operation with the private and the public sectors. Apart from the fact that such partnerships often hang together closely with the financial needs of the contemporary university (through which essential income can be generated by means of co-operative or service-rendering ventures), the essence is located in the realization that expertise which is to be found in both university and other sectors should be linked in combination.

- **Community involvement through being society-critical and socially sensitive**

Modern society at present readily accepts that the university as a humanitarian institution, and in terms of its unique structural constitution, should be politically and communally involved. For that reason a critical evaluation of issues such as the exercise of power by government, other societal issues and problems is seen to be part of the task of the university. Yet it is important that the university and the staff should still maintain its academic character even when involved in such areas. A university would be violating its essential nature if staff were to be involved in such issues outside the academic context and remote from the true nature of the university. This also means that not only academics whose fields are directly related to societal problems (such as the philosopher, the historian, educator, economist, political scientist, sociologist, theologian, law expert, etc.) should be able to function in this field, but that others, like physicists, engineers, etc. can also become involved, **as long as this is done on a scientific basis**. They are, after all, trained as scientists, and views on issues such as politics, religion, social and other problems should be able to stand the test of being scientific. Should a university and/or an academic do not respond in this way, they cannot lay claim to academic freedom in terms of such matters. They would then rather do an injustice to such issues - and would rather fall under the protection of the rights which all others would have under similar circumstances, and not have a claim to protection in terms of the right of academic freedom.

3.2.2 The importance of autonomy and academic freedom

The importance of the autonomy of a university (its sovereignty in its own sphere, its independence), and academic freedom at a university (which includes the university academic autonomy and the academic freedom of education staff and students) is located in the fact that a university cannot, without that, be

- academically effective; and

- administratively and economically efficient.

A university is academically effective if the practising of science takes place on the basis of academic values, in other words, founded on rationality and objectivity, free and critical dialogue, the openness for alternative viewpoints, the honest consideration of all available evidence, well-founded judgements and inter-subjective control of ideas and findings. It also requires free imagination, critical questioning and the innovating ability of truly academic thinking. For a university operating on Christian foundations and for the Christian scholar, these values need to be tested and evaluated from the perspective of a Christian life and philosophy if they should indeed have relevance and meaning for the science and practising of science. Hence the practising of science on a Christian basis.

Only an autonomous university can be administratively and economically efficient because the society of academic thinkers are in the best position for exercising quality control over its production processes and products. Furthermore: centuries of experience and knowledge have indicated that the greatest administrative and economic efficiency is achieved if the university is allowed the largest measure of freedom to manage its own matters within a broad framework created by the government.

3.2.3 The content of the concepts

3.2.3.1 Autonomy

The **autonomy** of a university (sometimes also referred to as **institutional autonomy**) has the following content, namely: in the first place its **structural autonomy**; secondly its **functional autonomy** (sometimes also autonomy with regard to substantial matters - "substantive autonomy") and thirdly, its **procedural autonomy**. With structural autonomy a university's nature is indicated (what the university is and its composition); with functional autonomy the extent of its functions is indicated, and with procedural autonomy, the way in which it executes its functions (according to rules and procedures).

In more detailed terms the content of each facet of institutional autonomy can be explained as follows:

Structural autonomy has to do with what is called the university's "corporate form", i.e. its existence and composition as legal entity in the fulfilling of its nature and functions. This includes matters relating to the University such as

- its being a legal entity, its composition, its character which includes its basis, culture and its language medium;
- its seat and working areas; and
- the composition of academic and other bodies of authority, management or advice with their powers, competencies and functions.

Functional autonomy has to do with academic issues and academically relevant matters of the university. These matters are also defined as "the substance of academe", or "the essential ingredients" of the university, or "academically relevant affairs". It thus has a bearing on the academy itself, or it has a direct or indirect relationship with the academy. Without these the operation of the academy will not take place or will not happen properly, and these matters are thus a *sine qua non* for the academic activities of the university. Therefore these can be defined as **activities aimed at the performance of the functions of the university; the strategic planning for achievement of its function; the policy on the structured way in which the functions will be performed and related matters.**

These includes matters such as:

- strategic and development planning which include the formulation of the vision, mission, objectives and aims necessary for the fulfilling of the functions of the university;
- the establishment or closing of faculties, departments and institutes, the institution's provisions to offer degrees, diplomas and certificates and the determination of their curricula and study contents (subjects);

- the stipulation of the content of syllabi, curricula, the taking of tests and examinations and the conditions for the acquisition of degrees, diplomas and certificates;
- the stipulation of the science policy which includes the educational and research policy of the university;
- the testing, admission, discipline and termination of the registration of students;
- the testing, appointment, conditions of employment, discipline and discharging of staff;
- the levy of tuition fees and other moneys and the allocation and spending of it;
- the determination of service-rendering to the outside world and the marketing of expertise;
- the assuming of a viewpoint with regard to community issues, social problems and the practising of state authority.

Procedural autonomy has to do with the way in which the university administers its affairs and the way in which the university is managed. (Also called "the how of academe".)

It comprises matters like

- rules and procedures on the handling of student affairs outside of the academy (which includes accommodation, financial support, spiritual care, general discipline and disciplinary procedures);
- rules and procedures with regard to organized student life (which includes the election of student bodies and representatives, rules for these, student culture, sports and recreation);
- rules and procedures on the handling of staff affairs apart from the academic environment (which includes procedures with regard to communication, labour relations and collective bargaining);
- rules and procedures on the internal management and administration of the university (including academic, financial and business management includes issues such as fund recruitment, accounting and auditing systems, the keeping of records and report-backs etc.).
- rules and procedures according to which its governing bodies operate (which includes its management philosophy, election procedures, meeting procedures etc.).

3.2.3.1.1 Limits to autonomy

Autonomy, like academic freedom, is not absolute but has boundaries which on the one hand developed traditionally, but likewise also depend on juridical interpretation, and with regard to a Christian approach, autonomy is in any case limited by the Will and Revelation of God, also with regard to the practising of science.

The criterion according to which this measuring of interests takes place within a society is an objective reasonability criterion, which encompasses society's conviction of what is fair and just, and is applied in keeping with the prescriptions of section 35 (3) of the Constitution, which underpins the spirit, range and aims of the act of fundamental rights in chapter III of the Constitution. It can thus be accepted that the autonomy of a university (and its academic freedom) is restricted and limited by the rights and freedoms of other legal partners (also the state) in keeping with the measuring of interests founded on the objective reasonability judgement of a equitable cultivated and developed society, in keeping with the spirit, range and aims of the Constitution.

This reasonability criterion is clearly propounded in section 33(1) of the Constitution where it is declared that fundamental rights (such as autonomy and academic freedom to institutions of higher education) are limited or confined by universally valid law (for example by other legislation - such as a new Universities' Act), but only under the following conditions (or, put differently, in keeping with the following criterion)

The limiting must be fair, and

- **justifiable** in view of an open and democratic society based on freedom and equality,
- and should not deny the **essential content** of the particular fundamental right, and
- be **essential** (only with regard to a number of indicated fundamental rights, among which are academic freedom to institutions of higher education).

In other words, there may only be intervention in the fundamental rights of (as the present) a person or legal entity if the intervention is fair, justifiable and essential and if it does not deny the elemental content reality of the particular fundamental right.

On the grounds of the above-mentioned, particular emphasis is generally placed on the fact that the extent of autonomy cannot be evaluated independently of its public accountability. It is probably the most obvious and most important factor which is taken into account with the equitable and impartial judgement of the delimitation of interests of the university and the State and the community.

Sometimes this measuring of interests manifested in legislation (as in the case of the university system), and these laws will thus determine and prescribe the rights, powers and competencies of the university with regard to other legal partners, or the rights, powers and competencies of the government with regard to universities. The delimitation in legislation can also be tested continually against the criterion mentioned above in order to determine its justness. Insofar as this delimitation is not comprised in or accomplished by legislation, it is the duty of a court to rule on this in a particular case when such a dispute has to be settled.

3.2.3.2 Academic freedom

Academic freedom has two facets, namely

- the academic freedom of the university, which means, briefly, its **academic autonomy**;
- and the academic freedom of the academics (staff and students).

3.2.3.2.1 Academic freedom of the university

The academic freedom of the university relates to the academic affairs of the university. These affairs encompass all the aspects of a university's functional and procedural autonomy which is in its turn again inseparably connected to institutional autonomy - exactly that which makes its "a university".

Therefore the academic freedom of a university is equal to its academic autonomy as comprised in its structural, functional and procedural autonomy. It is the same issue and these two are thus identical to each other in content.

3.2.3.2.2 Academic freedom of the academic (the educator and researcher)

It is clear that those fundamental rights which are applicable to academics (and also to students as will be indicated hereafter), can be placed in two categories.

- a) fundamental rights with regard to academic freedom and freedom of research which are described specifically in the Constitution; and
- b) other fundamental rights which all persons deserve, but which also directly (or sometimes indirectly) concern the position of an academic at a higher education institution (like the university).

It is also the case that there are protective fundamental rights which are applied independently of the question of a person being an academic or a student. The right to vote, the right to move freely in the country, etc. are examples of such rights. An important fundamental right which is not specifically linked to the position of an academic, but which is important for the university, is the right to **bargain collectively about working conditions and conditions of employment.**

Concerning the **content** of academic freedom (which includes freedom of research) it is clear that it specifically and directly has to do with academic matters, i.e. with education, research and service, which includes the marketing of expertise to the outside. The freedom of the academic is narrower than the academic freedom of the university itself,

but it stems directly and inseparably from that. It is inevitably narrower because the university and the academic are in an employer-employee relationship with each other and the university as employer and as corporate entity, has wider academic competencies than an individual academic. The academic freedom of the academic is, among other things, limited by the university's institutional competencies or autonomy where Council, Senate, faculty boards, departments and academic and administrative officials, fulfil a collective and/or individual academic role.

In this way an individual academic does not have, for example, the freedom to determine the content of curricula, syllabi, the conditions for the acquisition of degrees, etc. He cannot decide on the establishment or closing down of faculties, etc. or on who should be allowed as a student, who must be appointed to the academic staff and what their conditions of employment will be, and what the university's scholarly, educational and research policy will look like. Although he can and must play an instrumental role in the making of these decisions in keeping with the provision made by the university for that, he does not have academic freedom in this respect.

The content of an academic's academic freedom has a bearing on the following matters (which have the structural, functional and procedural autonomy and thus the academic freedom of the university or academic autonomy as foundation, but do not encompass these):

- making use of the general and universally scholarly methods for education and research, which can be supplemented by the scholarly methods of his own subject science to
- teach and take down tests and examinations;
- do research;
- to publish the results of his research work;
- to state freely, and to discuss, criticise and defend viewpoints and ideas in his subject, those concerning science and the means of education and research
- to offer its expertise to the community;
- to make contributions along the channels supplied concerning academic matters, also regarding those issues listed above;
- to be a member of subject associations and to participate in their activities;
- to obtain membership of academic and other bodies within the university according to the rules laid down for this and be able to participate in discussion and decision-making in these bodies;
- to be able to take a critical stance concerning the functions of the university in their full range and scope;
- to be able to take a critical stance on community issues and social problems, and the execution of state authority.

Academic freedom thus has a bearing only on those rights and freedoms which concern an academic's academic work; with his position as a scientist, and which have a bearing on the functions of a university. The one strict condition remains, however, - **the academic must, in a scientific way, go about the practising of his academic freedom.** Only within this context of academic freedom and rights can he have "special" freedoms and can he be protected.

3.2.3.2.3 Academic freedom of the student

At first glance it appears as if something like the academic freedom of the student does not exist, according to most scholars. Nevertheless, where academic freedom of institutions of higher education is acknowledged in the Constitution, and where these fundamental rights are linked to the university itself and also to the academic on the basis of his service relationship with the university, it is inevitably also applicable to the student at the higher education institution (such as the university). The student, on account of, or on the basis of

his registration to the institution of higher education, stands in a particular relationship to this. His registration which is in essence a particular contractual relationship between him and the university, grants him certain rights and obligations, especially in academic context.

Apart from his contractual rights by virtue of his registration, he also has, however, other rights by virtue of sections 14(1) and 15(1) of the Constitution. Furthermore, these rights with regard to academic freedom are also supplemented by other fundamental rights which are directly or indirectly related herewith.

Therefore, as in the case of academics, there are, with regard to students,

- (a) fundamental rights regarding academic freedom and freedom of research which are described specifically in the Constitution, and
- (b) other fundamental rights which all persons deserve but are also directly (and sometimes indirectly) linked to the position of a student at a higher educational institution. Therefore a university will have to keep these rights in mind.

As was stated above with regard to the academic freedom of academics, the academic freedom of the student is narrower than the academic autonomy of the university. However, it stems directly and inseparably from that. If academic autonomy does not exist for the university, unlimited academic freedom for staff and students cannot exist. The reason why the academic freedom of the student is inevitably narrower than the academic autonomy of the university and also the academic freedom of the academic, is obvious: He is the pupil, the junior academic associate who is trained and educated and as such forms an important subject and object in academic context. Therefore his academic competencies are narrower than those of the university and the academic. He remains, however, an associate, albeit a junior one, and therefore he has certain basic rights in this regard.

The contents of the student's academic freedom can be summarized as follows (where it should also be kept in mind that it has the academic autonomy of the university as foundation, but does not encompass it):

The right and freedom to

- make use of general and universally valid scholarly methods of learning and research, which can be supplemented by the scholarly methods of the particular subject discipline;
- the choice and study of subjects in which education is received and the writing of tests and examinations;
- the undertaking of research;
- the publication of the results of research work;
- the formulation of viewpoints and ideas concerning the subject or subjects which are taken, on science and on the method of education and research, and to discuss, criticise and defend these viewpoints;
- the offer acquired knowledge to the community in as far as is it possible and feasible.;
- the making of contributions on academic matters along the channels which are supplied for these and which are applicable to him;
- where possible, the obtaining of membership of subject associations and participation in their activities;
- the electing of persons on academic and other bodies within the university in keeping with the provision laid down for these;
- the assumption of a scientific-critical stance towards the functions of the university;
- the assumption of a scientific-critical stance concerning community issues and social problems, and the execution of state authority, which includes university authority.

Although the student is initially not yet an absolute scientist, he is involved in this right from the beginning and develops as he achieves seniority in his scientist schooling. Therefore the requirements remains that he has to go about the practising of his academic freedom **in a scientific way**, right from the beginning. Only in this context of academic freedom can he have the "special" freedoms and rights and be protected.

3.2.3.3 Limitation of the academic freedom of the academic and student

The framework, space, boundaries or limitations which are set for the practising of academic freedom are determined by two particular factors and can defined as

- (1) scholarly/scientific professionalism; and
- (2) the university's academic autonomy.

Scholarly professionalism is constituted by the rules and principles laid down by science in general and by the particular subject science itself as rules and principles which apply for the practising of that scientific discipline.

The limitation of the academic freedom of an academic and a student by the **university's academic autonomy** occurs in compliance with the criteria which have been stated for this in the Constitution, namely that the limitations should

- be fair,
- be justifiable,
- not deny the essential content of academic freedom, and
- be essential.

Within these boundaries which can restrict the rights of academics to what is fair and essential, the university can thus lay down certain limiting rules (e.g. regulations) concerning the composition of curricula, the content of subjects, on tests, exams, admission requirements, academic order and disciplinary arrangements and all related academic matters as discussed above under the autonomy of the university. In this regard the policy on maintaining the character of the university, which includes its fundamental values, its language policy and cultural activity is also applicable. This framework which exists and has been created for the academic's academic freedom does, however, also imply a duty on the side of the university itself, its academic administrators, other academic colleagues (also heads of departments, deans etc.), but also on the side of persons or outside institutions (among which are the church, state and other societies) to recognize this academic freedom within this framework and to respect the arrangements created within the institutional framework for that purpose.

The question has also been asked whether the academic freedom of an academic only has a bearing on the lecturer's academic work or whether it has wider implications than this matter (or related matters).

On the basis of the analysis of authors 's viewpoints about this, it has to be declared that the academic freedom of an academic in the **first place** has a bearing on his **academic work** and that these freedoms are limited by the true principles of professional practising of science and by the reasonable practising of institutional, functional and procedural autonomy of his university with regard to the academy.

In the **second place** this also applies with regard to matters other than his academic work, but then only if these other matters **have a bearing on the essence and functions of the university**, as argued above, are also extended to the community task of the university with regard to community development and community involvement. Likewise these facets of academic freedom are limited by the principles of professional practising of science and by the reasonable practising of the academic autonomy of the university. However, the condition which is globally applied to this, is that academics should still scientifically work within this wide academic freedom. Only within this context can they enjoy these particular freedoms.

Apart from these two aspects, the academic has the same freedoms and rights as an ordinary civilian.

3.3 Institutional control

3.3.1 The relationship between the state and universities

Between the state and the university there are obviously a large variety of points of contact and an abundance of terrains of reciprocal influencing and interaction which influence each other.

University activities take place within the seat or working areas of a university which falls within the national boundaries governed by the state. Therefore a government must also assume responsibility for a university in a variety of ways. **The first major responsibility of the state is to protect and acknowledge** this institution of higher education as a university. The degree to which a university remains responsive to its essence and functions will determine its value for the state and society, which again determines the way in which it is acknowledged and protected. For the sake of society in all its manifestations, the responsibility and duty thus rest with the state to see to it that this happens. Therefore the state authorizes the university to award degrees, diplomas and certificates, which should guarantee for the receivers of these public acknowledgement by society, among which are employers. **The second major responsibility of the state is financially to support** universities which have been acknowledged by means of legislation. Without this financial support universities, especially in South Africa, will not be able to fulfil their essences and functions and the university and its academics and students will not be able to exercise their fundamental rights.

The other side of the responsibility of the state towards universities (and other institutions of higher education), is the responsibility of the university (and other institutions of higher education) towards the state and society. In point 3.1.2.3(c) above, this responsibility and accountability have already been discussed as one of the democratic values of a proper system of higher education.

3.3.2 The management structure of the university and the powers and competencies of its bodies of authority

The Potchefstroom University for Christian Higher Education was established as an independent university on 17 March 1951 under the **Private Act of the Potchefstroom University for Christian Higher Education, 1950** (Act 19 of 1950). In 1993 this Act was comprehensively revised and declared as an act with the same appellation, **Act 80 of 1993**.

With the acceptance of the amended act, it is envisaged that it would enable the University to properly utilize the new challenges and opportunities with regard to tertiary education in a new political dispensation, with the preservation of standards and with the maintaining of the particular character of the university (whereby its foundation is included). According to section 4(1) of Act 80 of 1993 the University is a legal entity or juridical person which consists of

- A Chancellor;
- A Vice-Chancellor who is also the Rector;
- Vice-rectors;
- A Council;
- A Senate;
- A convocation; and
- staff and students of the university.

As legal entity the University is the independent bearer of rights and obligations and can function as plaintiff and defendant in court. It participates in legal procedures by means of its assigned officials and it has all the rights and competencies which the Constitution, its own Private Act, other legislation (like the general Universities' Act) and the Common law grant it.

In this regard section 17 of the current Universities' Act (Act 61 of 1955) is of vital importance. It stipulates that the Council of a university which has been authorised to compile statutes can execute any stipulation of the law with regard to the general management of its university concerning affairs which are not expressly prescribed by any stipulation of the law.

In the Private Act of the University in section 8(1) the Council is described as the body in which the management and executive authority and control of the university rest, and it is further entrusted with extensive powers in order to perform its role and functions. Other bodies of authority of the university are the Senate, the Executive Committee of the Senate, Faculty Boards and executive committees of Faculty Boards and the Rector and the Management Committee of the university.

Without going into detail on the functions and competencies of these bodies and officials, the most important matters are pointed out briefly.

- **The Council**

Each private act or other special act of a university in South Africa determines the composition of its Council and endows that Council with the executive authority and management of the university. It is exactly in this composition of Councils where all the different contexts of life which have a proven and direct interest in the functionings of the university meet, conjointly create a new societal context (the university) without losing their identity. This Council constitutes the supreme authority of the university; hence the nomination of members of the Council by government, the academics, the students and interested parties at the university from different societies and from the donors of the university. The majority of this most important management body of the university is thus constituted of non-academics. **It is extremely important to point out that the members of the Council are not representatives in the actual meaning of the word of the relevant societal contexts. No report-back function to the communities exists and they do not receive legally binding instructions or mandates from these communities to assume certain viewpoints or to execute decisions on their behalf.** It is in order if these communities request the members they nominated or elected to mention certain viewpoints for cognisance or discussion. It remains, however, the prerogative of the members (and thus the Council) to assume viewpoints and make decisions independent of such requests, in the best interest of the university. It is the Council's prerogative also to decide whether it will, and in what way, give feedback to the particular communities, except of course where it is obliged by the law to give feedback to the government on certain matters. The reason why certain stakeholders or communities by virtue of the act of the university have the right to nominate members of the Council of a university, is that they, on account of their vested interest in the essence and functions of the university, have to take care that persons who they regard as suitable as the highest authority of the university, are members of the Council. In this way the stakeholding communities also take care that the interests which they value highly, will be attended to in the management of the university. The same applies with regard to membership of the Senate and other bodies of authority of the university. In the major report of the Van Wyk de Vries Commission concerning their investigations into the university system (1974: chapter III, paragraph 4.11) the following is explained:

"The intention of the legislator is without doubt clear, namely that the state, the company, the society and particular outside bodies are all essential shareholders in the university and that those elements must be built into the structure of the university by making persons from those elements members of the Council".

These members thus make up the "universitas" (legal entity) with the objective to practise scholarship at the tertiary level. The autonomy and independence of the university was contracted in its totality in this Council.

By virtue of the **Private Act of the Potchefstroom University for Christian Higher Education**, the management and executive authority and control of the university rest with the Council of the university which has 22 members. The composition of the Council is determined in section 8 of the Act. Apart from the Rector, Vice-rector, Vice-rector (Vaal Triangle Campus) and Vice-rector (Research Development), who are Council members ex officio, the following institutions nominate members of the Council: The state has four members; the procurators of the original founders three members; the Senate two members; the Trustee's two members; the donors of the university two members and institutions within the university which designate the Council, two members. One of these institutions is the student councils of the University at the Potchefstroom and Vaal Triangle campuses. Together they nominate one student member while the other body is the support personnel of the University, which names one member.

In the process of transformation at the PU for CHE significant results were obtained with regard to the Council of the University, as will be indicated later on in this chapter. In the nature of things further developments can follow, depending on findings and recommendations by the National Commission on Higher Education, to the extent that this falls within the purview of the present Constitution.

According to section 8(7)(a) the Council controls all the property of the university. Section 8(7)(p) authorizes the appointment of Council committees and ad hoc commissions, the nomination of the members of these and the giving of instructions. Section 8(7)(c) institutes the appointment of persons for the efficient management of the university and the control over these. Section 8(7)(d) authorizes the determination of all university fees. The Council executes these activities without specific advice by the Senate.

Section 8(7)(e) determines that the Council, on recommendation of the Senate, can also deal with certain other matters and in this context the Council decides which faculties, departments, institutes and bureaux are established, scaled down or terminated, which degree and diploma courses are offered and what the degrees and diplomas will be named. It decides on the award of honorary degrees and bursaries and prizes, and to whom these are awarded. For this the Council has to get the advice of the Senate, but is not bound to that advice. Concerning the other matters, the Council can only appoint a head of department, dean or deputy dean, or acknowledge a student body, after the Senate has elected such head of department, dean or deputy dean, or if the Senate has approved the rules and procedures and members of such a student body.

- **The Senate**

By virtue of section 9 of the Private Act, the Senate of the university consists of the Rector as Chairman; the Vice-rectors; the Chairman of the Council; one more member of the Council; heads of departments; directors and heads of other departments and research institutions which the Council appoints on recommendation of the Senate; the head of the university library and other staff of the university who are declared members of the Senate by the Council (at present all full professors of the university) and three students nominated by the Student councils of the University's Potchefstroom and Vaal triangle campuses.

Apart from the matters by virtue of section 8(7)(e) of the Private Act which were mentioned above, the Senate has the competence to supervise and make arrangements for education, research, community service and discipline in the faculties and departments of the university. It submits reports to the Council on its activities as well as recommendations concerning matters which the Senate regards as advisable because they are in the interest of the university.

- **The Executive Committee of the Senate**

By virtue of paragraph 51 of the Statute of the University there is an Executive Committee of the Senate which is convened as determined in the mentioned paragraph and according to paragraph 52(1) of the Statute, the Executive Committee has all the competencies of the Senate, apart from any mandate of the Senate. At present the Student councils of the University at the Potchefstroom and the Vaal Triangle campuses nominate a student to attend the meetings of the Executive Committee with observer status.

- **Faculty Boards**

By virtue of section 12 of the Private Act, the Senate can entrust any of its activities and competencies to a faculty and the activities which are currently entrusted to Faculty Boards, as provided for by paragraph 59 of the Statute.

- **The Rector and the Management Committee**

The Rector is the main executive official of the university and his competencies and duties are outlined in the Private Act and Statute. By virtue of section 14 of the Private Act there is a Management Committee of the university which consists of the Rector, Vice-rectors, Registrars and other major officials of the university which may be nominated by the Council from time to time. The Management Committee exercises the competencies, administers the activities and performs the duties which are given to it by the Rector and also serve as an advisory committee for the Rector in the execution of his duties and activities.

3.4 The protection of the autonomy of universities and the academic freedom of academics and students in the constitution and the position of the PU for CHE

It is important to mention the protection of the autonomy of the university (whereby its academic autonomy is included) and the fact that the academic freedom of an academic and student is protected in the new Constitution.

Section 7(3) of the Constitution states explicitly that legal entities (like universities) are entitled to the fundamental rights as contained in chapter III, to the degree in which a legal entity is subject to the nature of the law.

A prominent stipulation in the Constitution in this regard, is section 14(1) which states: "Each person has the right to freedom of conscience, religion, thoughts, belief and opinion, whereby is included academic freedom to institutions of higher education".

Section 15(1) is also important in this regard: "Each person has the right to freedom of speech and expression, whereby is included freedom ... of scientific research".

The words "academic freedom to institutions of higher education" in section 14(1) are important. They indicate that the concern is not with the protection of a particular category of persons (like academics), but especially with the protection of the idea, the concept of academic freedom as it exists and is acknowledged at institutions of higher education. Therefore it is argued that the idea or concept of academic freedom basically comprises the following:

- the autonomy of (for example) a university as an institution of higher education (which includes its academic freedom or autonomy), and
- the academic freedom of academics and students which is, as demonstrated, inseparably linked to the autonomy of higher education institutions.

It is the true meaning and effect of the words "academic freedom to institutions of higher education".

In order to get more clarity concerning the protection of the institutional autonomy of and academic freedom to universities, this University has made a proposal to the Constitutional Meeting that these rights are separately recorded in chapter III of the new Constitution. The following wording is suggested in this regard:

"Academic freedom to and institutional autonomy of institutions of higher education"

- (1) **"Every person shall have the right to academic freedom in institutions of higher education".**
- (2) **"Every institution of higher education shall have the right to institutional autonomy which shall include academic freedom with respect to education and research".**

A very prominent stipulation in the Constitution is section 32(c) which determines explicitly that a education institution (like a university) can be based on a common culture, language or religion, and it thus also obtains the fundamental right with regard to religion, language and culture.

Section 32(c) states:

"Each person shall have the right to, where it is executable, establish educational institutions based on a common culture, language or religion to, on condition that there will be no discrimination on the basis of race".

There can be no doubt that an "education institution" can also be a university and that "establish" also has a bearing on educational institutions which have already been established by a person or persons.

The question is, however, also how the university as educational institution based on a certain religious basis, language and culture, will have to be harmonized or balanced with, for example, the rights of staff and students where among other things the following fundamental rights of the individual are specifically applicable, namely

Section 31:

"Every person shall have the right to use the language of his or her choice and to participate in the cultural life of his her choice".

Section 32(b):

"Every person shall have the right to education in the language of his or her choice where it is reasonably practicable".

Section 14(1)

"Every person shall have the right to freedom of conscience, religion, thoughts, belief and opinion...."

Section 8(2)

"Nobody shall be unfairly discriminated against ..."

Section 17:

"Every person shall have the right to freedom of association".

It is suggested that the balancing occurs in the sense that any person has the right to associate himself voluntarily with an institution which offers education in the language of his or her choice, where the culture is practised which he or she chooses and the institution is founded or based on religious beliefs with which he or she associates himself or herself.

On the other hand the institution, like the university, may deny nobody admission on the basis of race. Individuals at the institution thus have the same rights and prerogatives as other participants and the institution thus functions completely within the boundaries of the Constitution. Hence also an institution's right to the acknowledgement, protection and support of the state as it will presently be explained.

An educational institution like a university can thus be based (or founded) on a common culture, religion or language. This also implies that the education institution is autonomous with regard to these matters, i.e. it independently determines

- (a) what its common culture is and all that is associated with it;
- (b) what its foundation is and that it is founded on a particular religion; and
- (c) what its language policy will be.

Thus, read conjointly with section 14(1) - **religious freedom**, section 32(a) - instruction in **own language**, section 32 - **equal access** to educational institutions, section 31 - freedom of **cultural practise**, section 17 - freedom of **association**, it is clear why section 32(c) has been inserted, namely that provision is made for any person to receive instruction at an educational institution which makes provision for its **religion** as foundation for this, to be **instructed** in his **language** and is practised at an institution where he can live out **cultural activities**.

While this University has long not been denying admission to anybody on the basis of race, section 25(2) of its Private Act (No. 80 of 1993) also explicitly determines that nobody can be prevented from being or remaining a student at the University on the basis of his religious conviction. However, the University requires from its students and staff to at least show respect for the foundation of the University and by virtue of paragraphs 88 and 100 of its statute perform no act which is damaging or can be damaging to this foundation.

By virtue of its fundamental right in the Constitution and in keeping with section 25(1) of its Private Act, the University has, however, the right to take care that the Christian foundation of the University is maintained with respect to the appointment of its staff and specifically its academic staff. The University achieves this by ensuring that its staff are educated and well-instructed in the practising of science in accordance with the foundation of the University without applying any ecclesiastical or churchified test.

Strong emphasis is placed on the fact that in no way can we agree with any viewpoint or speculation that an educational institution based on a common religion (possibly) cannot make demands for financial support from the state, as was done recently in some public debates.

The following reasons can be mentioned:

- (a) It shall, in essence, eradicate the fundamental right of a person or legal entity who avails himself of sections 32(a) and 32(b) of the Constitution because the execution of section 32(c) in terms of a higher educational institution in South Africa without substantial financial support of the government, is in any case impossible.
- (b) The coherence of the above-mentioned sections is nevertheless clear, namely that a state should make earnest with the fundamental right which is guaranteed in chapter 3 of the Constitution and the courts (in which the Constitutional court is included) will enforce these rights if they are undone by any act or performance (including that of the state).
- (c) The withholding of subsidies (or sections of it) to an educational institution (especially a university) based on a common religion and/or language and/or culture, boils down in essence on an **invalid limitation** of its fundamental right because in keeping with section 33(1) of the Constitution this will not be equitable and justifiable in an open and democratic society based on freedom and equality, and also because such an act will boil down to the denial of the elemental contents of an entire range of guaranteed fundamental rights (section 33(1)(p)).

The words in section 32(c) - that the foundations on religion, language or culture can take place where "where this is executable" - indicate several factors which must be taken into account in this context. The availability of public finance is definitely one of these, but then the concern is the availability of money at, for example, all universities and not only with regard to some. Other factors are the proved need which exists in the country among the citizens in view of, for example, the large number of Christians in the country, whereby is included those which speak Afrikaans or understand it and practises its culture. The fact of the long history of such an institution and the vital national asset which it has become for the country will also have to be taken into account. **Therefore our University is entitled to the acknowledgement, protection and the proper financial support of the state, as for any other university.**

In part 3, chapter 7, paragraphs 30 and 46 of the White Paper on Education and Training (1995), in the discussion of the implications of section 32(c) of the Constitution there is reference to the right to establish "private institutions" of this nature in keeping with this section. The reason why the concept of "private institutions" is read in here, is not at all clear. Apart from the fact that the word itself is not used in the relevant stipulations of the Constitution, the question is whether an educational institution is now regarded as "private" if it is based on either a **common culture**, or a **particular language**, or a **common religion**. Or is it only certifiable as "private" if it is based on more than one or on all three aspects? If one or more of these criteria are used for the indication of a "private education institution", there will be almost no educational institution in South Africa which cannot be classified as "private", because the vast majority of these is based on a particular language, and/or institutional culture and even on a particular religious foundation.

If the classification of these as "private" is aimed at educational institutions which are based on a common religion, it has no meaning in any case. In fact, in paragraph 42 of the same part of the White Paper the following is declared with reference to the fundamental rights of persons regarding religious freedom and freedom of conscience in the Constitution (among other things section 14(1)):

"This individual right will not deny the right of a person, including a juristic person, to establish an educational institution based on a common faith, in keeping with section 32(c). Such a institution will not require religious fulfilment from students who wish to exercise their freedom of conscience".

In part 5, chapter 12, paragraph 29 it is suggested that three lawful categories of schools should be acknowledged namely **state**, **state-supported** and **independent schools** (the latter possibly with reference to section 32(c)). It is, however, clear that the same classification cannot be made applicable to universities. As long the autonomy of universities and academic freedom at universities are acknowledged, they are **independent state-aided institutions for higher education**. Section 32(c) also grants them the right to be based on a common language, and/or a common culture and/or a common religion. Therefore these may also not be discriminated against with regard to their relative financing. If the same starting-points on the financing of

so-called independent schools in part 5, chapter 12, paragraph 29(3)(e) of the White Paper, are applied to university financing, it can wholeheartedly be endorsed that:

"The issue of the qualification of independent schools for state subsidy must be determined by making use of clear and fair criteria founded on public interest and the fulfilling of constitutional guarantees".

3.5 The proposal of the CUP on legislation for the universities in South Africa

In view of the need to replace the existing Universities' Act, No. 61 of 1955 with a new act which must support the new system, a proposal about this has been made by the CUP after wide consultation and negotiation.

This University wants to support this proposal of the CUP, because it is convinced that it makes proper provision for all the values of a proper university system which were discussed above.

The following few matters concerning the proposal of the CUP are mentioned specifically.

3.5.1 National Consultative Forum on Education

This University supports the viewpoint of the CUP on the establishment of a such national forum.

Support is also granted to the proposals with regard to the structuring of the Forum and with the suggested sub-structures and the functions of such a forum.

3.5.2 Council for Universities and Technikons

The University supports the establishment of such a statutory council in the suggested Act on Universities and Technikons. The University associates itself with the suggested composition of this Council and the description of its functions and outline of its relationship with the State. The University also considers it essential that this Council must play an important role as the link between universities, technikons and the National Consultative Forum on Education.

3.5.3 Committee of University Principals

This University endorses the preservation of the CUP and the CTP, their functions, their co-operative relationship and their role with regard to the functioning and functions of the Council for Universities and Technikons.

It has emerged through experience that these exceedingly important committees play an indispensable role in the university and technikon system of our country.

3.5.4 Student affairs

The University supports the suggested stipulations in the bill concerning

- admission requirements;
- granting of status, articulation and mobility; and
- bursaries, awards, prizes for study.

3.5.5 Institutional governance

The University supports the proposal of the CUP in the bill that the governance of universities and technikons be continued by virtue of the existing Private Acts and otherwise, as established by Parliament.

It is also important for the continuation of the existing well-organized university and technikon system that the current broad structures for the governance of a university and technikon, as contained in the existing legislation, be maintained. In this the University also supports the suggested principles on the composition of university and technikon councils which are as follows:

- (a) members of a council shall be persons who possess knowledge, experience or expertise relevant to the interests and governance of the institution concerned;

- (b) members of a council shall be appointed in accordance with the need for consultation by the institution with all relevant fields of direct interest in the management and operation of the institution concerned; and
- (c) every member of a council shall participate in the deliberations of the council according to his or her personal knowledge, views and convictions in the interest of the institution concerned.

3.5.6 Competencies of Councils of universities

The University supports the suggested section 16 of the Bill of the CUP and considers it as a confirmation of the autonomy of a university and technikon.

The fact that the competence of a council of a university or technikon for executing statutory competence over the general governance of its institution as well as regulations for the performance of such statutes, is subject to the approval of the Minister, and is not necessarily considered as an unfair limitation on the autonomy of a university or technikon.

This University acknowledges the right and duty of the state to make certain organizational arrangements with regard to a functional university and technikon structures, and as long as these boil down to lawful limitation of the autonomy of a university technikon and the lawful stipulation of the latter's public responsibility and accountability, this may be approved.

3.5.7 Conditions of employment

The suggested stipulations in the bill of the CUP on the determination of conditions of employment of staff and the amendment thereof, are fair and are supported by this University.

In general it can be declared that this University regards the stipulations of the suggested Act on Universities and Technikons of the CUP as a well-argued and considered document which will take care that the higher education system insofar as it affects universities and technikons, will remain inherently healthy and is of such standard that it will continue to enjoy international recognition.

3.6 Transformation at the PU for CHE

3.6.1 Introduction

Transformation is at the present time a concept which is associated with all universities and which provides a typification of a variety of processes at present under way at a large number of South African universities. It is also a concept used regularly by the Ministry of Education. During the course of April 1995 the Minister of Education, Prof. S.M.E. Bengu, sent a letter to universities in which his views on "The transformation in university and technikon governance" were pertinently conveyed to the managements of universities and technikons. As opposed to this, the notion of "transformation" as such never figures in the official terms of reference of National Commission of Higher Education (Government Gazette Vol. 356, No. 16243 of 3 February 1995), and it also does not occur in the open Circular which the Executive Director sent to various role players on 25 February 1995, with an invitation to participate in the activities of the commission. Yet transformation is such a topical issue that the transformation process which is running at the PU for CHE is considered separately here.

Transformation essentially involves a process of change which is of a fundamental nature. Seen within the context of the unique nature of universities world-wide, this concept is not found generally, as such, in the current international literature on the topic of universities. For that reason there is no clarity as to what is understood by the notion either nationally or internationally. It is generally known, however, that higher education internationally is being faced by **radical changes**, and this is generally acknowledged in literature in the field.

From the above it is clear that it is essential first of all to give attention to the notion of "transformation" and then to indicate what has been done at the PU for CHE in terms of transformation - this will be done in the subsequent sections.

3.6.2 Perspectives on transformation

3.6.2.1 The national perspective

An important national perspective on transformation occurs in the report of the Commission on the Crisis in the Tertiary Sector (the Carolus Commission) which refers to the governance of the tertiary sector. The following information on transformation is given there:

"The democratization of tertiary institutions is a process of transformation of institutions to enable them to fully meet the higher education needs of South Africa, and specifically, of the diverse communities each of them serves. Such a process has become necessary because of the changed nature of the society in which they function, and because maintenance of efficiency at institutions cannot prevail without a return to disciplined conduct. A culture of learning and teaching should be rebuilt. This requires, inter alia, that all constituencies perceive the structures of governance to be legitimate.

The Minister therefore requested all institutions to:

- 1 start or continue this process of transformation,*
- 2 ensure that adequate negotiation structures are in place, and*
- 3 fully interact and negotiate with stakeholders in the institutions regarding all problems and grievances.*

Such a process inevitably includes the transformation of the governance system of an institution. Central to this governance system is the composition of the council of an institution. This is the first step.

A fundamental principle regarding the composition of the council of an institution is that the institution itself must make decisions to bring about change."

From the remark that the change of the composition of the council of the institution is the first step in transformation, it emerges that a further phase of transformation is implemented, without it being clarified or defined further in the document.

Further quotes about transformation can be provided, which will indicate that there is no single clear definition of transformation. For that reason it is necessary to typify this concept as properly as possible in order to arrive at a definition of the concept transformation. From this it can be derived that transformation disposes of the following elements:

- **A reaction to a changed environment**

It is clear that the concept **transformation** can be linked throughout to a change in the environment or circumstances as they impinge directly on the universities. It is especially the following three contexts that are of importance:

- (1) Changes in the institution itself as well as the immediate sphere of interest to which it is linked;
- (2) Changes in the national context within which the university has had to function; and
- (3) Changes in the international context to the extent to which universities are affected.

From this perspective it arises that universities themselves will have to change in order to remain in step functionally and to be ready to keep fulfilling the relevant role. When the mentioned changes in the environment are of a specific functional role, the essential changes at the university might likewise be of such a radical and fundamental nature that the term "transformation" can be used semantically to typify this radical change.

- **The requirement for functionality**

From the above quotation it is also clear that the present policy-makers in education are of the opinion that the shape and nature of universities as they are at present in the South African context do not comply with the expectations with which they are regarded. This includes expectations about the extent to which the universities are equipped to be functionally suitable for the requirements set by the changing environment, structurally

suitable to meet these requirements, and whether they have an ethos which will make possible the meeting of these requirements for functionality, for example "a culture of learning and teaching", as outlined above.

- **Governance**

The concept of transformation is linked directly, throughout, to the structures and processes responsible for the governance of the universities themselves, but also for the system. With regard to the latter, the relevant bodies are the present structures associated with the Department of Education, such as the Department itself, the Advisory Council for Universities and Technikons (AUT), and to a certain extent the Committee for University Principals (CUP), as well as national legislation which controls it.

With regard to the universities the composition and functioning of the university councils, but also the other management structures and procedures of the universities come under scrutiny.

- **Democratization**

Participation in the transformation process is linked again and again to communities which can be typified as role players and stakeholders of the University. Apart from the reference to these communities, their direct participation and involvement in transformation are used in the context which make "transformation" synonymous to a large extent with "democratization". Democratization is not only expected to promote involvement, but has to lend credibility to the process of change, which will in turn lend legitimacy to the transformation and the results of transformation.

- **Process**

Especially because there is no clear definition of transformation, the concept is generally described as a process of which the final end and final result are vague and undefined. As such transformation has a high-risk nature, because the lack of a clear definition of final results can impose on a university a process of deformation, with all the concomitant devastating effects that this might have for the stakeholders and the institution itself.

- **Own identity**

In the final instance, transformation is linked to the own identity of each institution. In that way, acknowledgement is given to the diversity which is an inherent trait of the national university system, and which can clearly remain intact following transformation, albeit in changed form. On the other hand this also lends acknowledgement to the autonomy of the institution which, as such, is best able to handle the transformation in its own unique way.

Finer distinctions about transformation are possible. The above, however, probably encapsulates the core elements and provide the possibility of defining transformation as follows:

Transformation is the fundamental change which has to be effected within the university in order to enable it to be functionally responsive as an institution of higher education and learning in accordance with the requirements of new national and international dispensations and to enable it to maintain this functionality.

Where one speaks here of a **fundamental change**, this should never be dissociated from the **functionality**. This implies that the change should never affect the **essential nature** of the university within the hierarchy of education to the extent that the particular nature - as own identity and as institutional system - can be destroyed. To guarantee this, the role of all stakeholders of the institution, the typification of the nature of the institution and all relevant functional contexts within which it has been placed should be carefully considered. This implies that transformation is especially **complex**, and for that reason demands great **managerial responsibility and relevant expertise**.

Transformation as such is often experienced as a crisis, which in a real sense it is. In the final analysis it coheres, in the national context, with the crisis which came to face South Africa as a concomitant of the fundamental political change which occurred on 27 April 1994,

and which had the effect of returning South Africa fully to the international arena - a community which also constituted itself in the post-communist-capitalist era in a fundamentally new world order of globalization. This type of crisis was brought under words remarkably by a philosopher Prof. HG Stoker from this University, more than three decades ago, when he said that:

"Each era has a university which suits it. Changes in epochs also change the task of the university. Where a change of times is fundamental and does not occur gradually, we speak of a crisis. Such shifts in history also place the university in a crisis. In the midst of a crisis a university is confronted with the question as to whether it is congruent with the requirements of the times" (Stoker, 1961).

One can also deduce from this philosophical perspective that fundamental changes outside the university itself have the effect of confronting the university itself with fundamental changes needed for the proper effecting of the **task** of the university in the changed circumstances. Once again the **functionality** of the university is in the forefront as a result of the transformation, that is, a change which will make the university, **as a university**, better able to properly play its role.

From this perspective, the PU for CHE has already accepted the challenge and the opportunities of transformation, as will be indicated further on. Within the national context within which transformation is interpreted, there are big commonalities with the way in which the PU for CHE has interpreted the concept of transformation. There are also significant differences, especially with regard to the untransformable foundation on which the PU for CHE is based. What might well be required of the University is accountability for the way in which the foundation of the University is expressed in practice. The general spirit of the content of this submission as a whole speaks of the willingness of the PU for CHE to respond in terms of principle to the requirement for accountability.

3.6.2.2 The international perspective

Although the need for transformation is a national priority and issue, it may never be detached from the international context. The international dimension is essential because the country as such is also irrevocably bound to the international community and universities by their nature are also part of the international ranks of such institutions.

It has already been indicated that "transformation" in the university context is not a notion often used in the international literature. Yet there is a substantial volume of material in the relevant literature about the **changes** facing higher education in the present global dispensation. Examples of this will subsequently be quoted.

3.6.2.2.1 The UNESCO Report

UNESCO recently published a policy document which gives specific attention to the changes and developments facing higher education (UNESCO, 1995). The parallel which this has with the national context, already emerges clearly from the preface to the report:

"As we approach the end of the century and prepare to enter a new millennium, we are witnessing an unprecedented development for higher education and increased awareness of its vital role for economic and social development. yet higher education is in a crisis in practically all countries of the world ...

The current trends and new challenges facing higher education imply the need to rethink its role and mission, identify new approaches and set new priorities for future developments ...

The complex challenges facing higher education on the threshold of the twenty-first century call for the participation of many actors, and for a diversity of views and approaches ... Like many other problems facing contemporary societies, those concerning higher education call for concerted and integrated action. I therefore take this opportunity to appeal for greater co-operation among all actors to achieve our common goal - the further development of higher education as an instrument for reaching sustainable human development" (UNESCO, 1995:3-4).

This quote immediately indicates that the need for development in higher education - or transformation, as it is called in South Africa - is not simply a momentary national quirk, but is an essential part of a fundamental re-evaluation of and reflection on the role and mission of higher education in the international sphere. The complexity of the process also emerges from the quotation. This also involves the end result on which the focus has to fall: the empowerment of a university to be an instrument for sustainable development of the human resources to which it is linked. Improved **functionality** should therefore be the ongoing result of change.

The UNESCO Report in the nature of things also provides an analysis and typification of the changed environment which affects higher education. As one might expect, the focus is on international trends, which might at times seem to be in conflict with each other. Although these are international trends, they do affect South Africa and the total South African community very directly. For that reason it is essential that the changed international environment should be mentioned here:

- ***"Democratization**, which can be seen in the removal and collapse of many totalitarian regimes and in the steady advance of democratic forces. This serves as the foundation for development and collective action aimed at guaranteeing peace and respect for human rights.*
- ***Globalization**, reflecting the growing interdependence on a world scale of national and local economies and trade, as well as the need to adopt a global approach in order to cope with the resulting problems.*
- ***Regionalization**, in which States form groupings to facilitate trade and economic integration as a means of reinforcing their competitiveness. Regional arrangements may also be useful in matters of education, culture, environment, labour markets and infrastructures.*
- ***Polarization**, which is evident in increased inequalities on a global, regional and national scale, and results in a widening gap between rich and poor countries and populations, with the whole array of political, economic and social consequences this process entails.*
- ***Marginalization**, which is clear from the international or local isolation of a number of countries as well as of certain segments of the population because of various forms of underdevelopment.*
- ***Fragmentation**, which foments social and cultural discord, and, in its extreme form, can lead to "atomization", through attempts to divide States and local communities along ethnic, tribal or religious lines.*

As regards the requirements of the technological era, the impact on society and directly also on the universities has been enormous: **Technological development** presents one of the critical economic challenges facing all countries to enhance their ability to react to changes in the economic, technology and international trade with an unprecedented pace and depth affecting many domains of human activity. In order to comply with these demands, universities will have, proverbially, to transform in order to be able to equip and empower their students to cope with the new era. In this regard, the following can be taken from the UNESCO Report:

*"The impact of technological development, particularly in information and communications, is such that all countries, regardless of their level of industrial development, have to use globally accepted standards and equipment. This applies not only to **hardware** but also to organizational structures and the human factor - **humanware**. This is dependent on or related to education, particularly at the vocational and higher levels.*

The consequences of the above developments are particularly relevant for higher education, since it is this level which, in co-operation with vocational and technical education, is engaged in the development of a quality work-force on which depends the creation of quality jobs."

The conclusion which the UNESCO Report reaches, is that the reaction of higher education to the changed environment should lead to a new vision, which should in essence include the following:

*"The options to be considered and decisions to be made by policy-makers at the international, regional and institutional levels should be guided by the three watchwords which determine the strategic positioning of higher education in society as well as its internal functioning - **relevance, quality and internationalization**. ... At the same time the complexity, interdependence and pertinence of many global, regional, national and local issues are such that dealing with them only reactively risks marginalization of the institutions which adopt such a stand, particularly in the long term. It is essential that all forward-looking systems and institutions of higher education should build up **their own mission with this broad vision in mind.**"*

The UNESCO Report in this way clearly portrays the essential development of higher education within the international context, but also stresses, with the same conviction, the uniqueness which should be granted to such development at lower hierarchies, such as the national, regional and institutional levels.

3.6.2.2.2 The British experience

In Britain the Committee for Vice-Chancellors and Principals of Institutions for Higher Education recently published a report in which the consensus was that

"universities and colleges are redefining their role in society and the economy ... The debate will continue through the years ahead as higher education reinvents itself."

What is of importance here is that terms like **refining** and **reinventing** are linked to higher education. It is especially the latter which implies a relatively fundamental process seeing that reinventing means that the present situation within which universities find themselves is considered to be obsolescent and non-functional - but can be reshaped into functionality.

For Britain the following six trends would seem to be the most important strategic considerations for the renewal and development of the universities:

(1) Diversity and differentiation

This is intended to stress the fact that universities can no longer be all things to all. Within the system and within the institution differentiation has to occur in order to focus on those contributions which are unique, essential and relevant, which can be practised at a high level and with the required measures of quality.

(2) Job opportunities for graduates

It is clear that simply to graduate will offer students no guarantee career paths will open for them. Changes in the labour market require that students should have to receive training and education for their new environment in an innovative way.

(3) Qualifications and the organization of learning and teaching

In conjunction with the foregoing, it is once again clear that changes will have to be effected in learning and teaching, that is, within the process of education. Qualifications which can be obtained will have to be brought into line with this.

(4) Opportunities as a result of new technologies

The developments in the field of especially information technology make great demands on universities, and face them with new challenges, both as regards the teaching by the university and the learning processes engaged in by students.

(5) Greater role for the private sector

In most developed countries the private sector is not only becoming increasingly involved in universities, but are actively entering the terrain of the universities. The knowledge industry clearly is not longer the exclusive right of the educational institutions. Educational institutions can no longer escape the essential interaction and partnership with the private sector and industries.

(6) Staff development

In order to comply with the demands for innovation, academic staff will likewise have to undergo renewal in order to be able to offer teaching and research which comply with the demands for relevance and which are of high quality.

Although these trends have been identified in Britain, they are equally applicable in the South African situation. Once again the "reinvention" in Britain and the "transformation" of the South African universities jointly imply that the universities should be functionally better equipped to empower their students to enter the labour market successfully after their studies, in both their own interests and in the interest of development of the country. Any process of transformation should take serious cognisance of this.

3.6.2.2.3 International Association of University Presidents (IAUP)

During a conference of the IAUP in the Philippines in February 1993 Prof. Donald Gerth, President of the IAUP, read a paper with the title THE NEW UNIVERSITY. He pointed to the fundamental changes facing universities as a result of the changes in the community, and especially the issue of access to education through new technological possibilities. He sees the "transformation" of university into a new shape as a matter through which the traditional mode of contact teaching will have to be replaced by a form of distance education by means of new technologies:

"In these days of the passage of a millennium and the emergence of a new century, we can safely assert that all or almost all societies are now or will become, perhaps over some time, learning societies, knowledge-based societies. That is to say that societies and people, in order to enjoy good health, economically and culturally, are dependent as never before upon the preservation, transmission and development of knowledge. Knowledge is not just stored. Possession and access to knowledge is not an arcane art. Distance learning and technology have taught us that students and citizens can gain access to knowledge independently, can do so easily and readily, and can communicate and discuss the meaning of knowledge. And the world around us teaches us every day that knowledge, useful knowledge, is not compartmentalized in disciplines and applied fields.

We are at a point of redefinition, of revolution, even of intellectual liberation of the lives of universities and of people at universities.

The phenomenon of distance education has been and will be a transition to a new form of university. Of one thing we can be sure: the knowledge-based society is upon almost all of us, even in the least developed society. Universities, in some form, controlled by some sector of society, are central. The form and control may be radically different from what we have known. Intellectual purpose, however, must be constant" (Gerth, 1995).

The "new university" that Gerth is referring to should therefore take careful cognisance of both the availability of knowledge which can come to the community through new technologies and the new expectations which communities have of universities as bearers of knowledge. The fact that he uses terms such as "redefinition", "revolution" and "transition" indicates the fundamental nature of the change facing universities: A transformation towards a new university where the geographical and intellectual boundaries become vague, but in which the quality and relevance of the intellectual leadership of the university should be retained and made more profound.

3.6.2.3 The institutional perspective

From all the above discussions it has been argued that the own nature of each university is unique. When there is a question of transformation, the international and the national contexts should be given full cognisance, but the own nature of the specific university, and the necessary transformation within that context, should play an equally important role. In this regard it is clear that the new government stresses the own responsibility of the institution in terms of transformation, linked to national priorities. From the letter of the Minister of Education to the Rectors (Department of Education, 1995), the simultaneous interest of democratic participation and responsible governance is stressed. In order to

achieve this, the Minister proposes a **Forum** which has to function in interaction with the **Council**. Each has its own competencies.

The Forum is a negotiating, consultative and advisory body, and the Council is the decision-making body.

"It is surely the case that the transformation process on each campus will differ. Each campus has a different geographic location and a different history, serves a somewhat different clientele, occupies a different programmatic niche in the higher education spectrum, and therefore needs to identify its own mission and chart its own course for the future within the overall goals of the sector.

To steer the transformation process, in keeping with the spirit of democratic change in virtually all other sectors of South African life, it has become essential to establish a fully inclusive transformation forum on every campus which does not yet have one. A transformation forum should be representative of all stakeholder groups within an institution, and its function should be representative of all stakeholder groups within an institution, and its function should be to negotiate the direction and the pace of change within the institution ...

Transformation forums cannot take the place of governing bodies. Even if the representativity and legitimacy of governing bodies are contested by some stakeholders, such bodies must continue to exercise all their statutory responsibilities, including the management of the institution's financial affairs and staff appointments, while the contested issues are being negotiated in the transformation forum. There can be only one source of legal authority in an institution, and that is the governing body. The statutory powers and responsibilities of the governing body can at no time be pre-empted by the transformation forum, and forums should make no claim to undertake them."

The way in which the PU for CHE acted within this framework will be set out in the ensuing, final part of this chapter.

In previous sections of this report mention has already been made of multiculturalism, which is increasingly becoming part of the student composition of this University, but which should also be seen as being generally valid for other universities in the country. The way in which multiculturalism has to be involved in the process of transformation is of essential importance, and requires special insight. In the literature on the subject many experiences on the part of the USA can be found. A special report of the Carnegie Foundation for Advancement of Teaching (Boyer, 1994) deals specifically with the influence of multiculturalism on campus life. The title of the preface is **Search for Renewal**, which also indicates that transformation, in the sense of renewal, is relevant to campus life:

"In recent decades, new campuses have been built, enrolments have exploded, and today, many of our research centres are ranked world class. Still, with all of our achievements, there are tensions just below the surface and nowhere are the strains of change more apparent than in campus life ...

The deep social divisions that all too often divide campuses racially and ethnically undermine the integrity of higher education. Sexism continues to restrict women. The lack of commitment to serious learning among students often saps the vitality of the undergraduate experience, and we ask: If students and faculty cannot join together in common cause, if the university cannot come together in a shared vision of its central mission, how can we hope to sustain it in society at large? ...

While colleges and universities celebrate the pluralism of multiculturalism, the harsh truth is that, thus far, many campuses have not been particularly successful in building larger loyalties within a diverse student body, and there is disturbing evidence that deeply ingrained prejudices persist ...

Every institution has clearly defined academic rules, but what about the social and civil dimensions of collegiate life? In these areas, where does the college responsibility begin and end?"

Against this background the Carnegie Foundation did the study of the social aspects of student life and the demands made upon it by multiculturalism. From the study it has become

clear that a generally accepted **value system** is an essential element for the successful handling of multiculturalism. Such a value system typically be in accord with the character of the university as an **academic institution**, but should also accord with the unique **ethos and mission** of the university. The importance of an **attitude of communality** among stakeholders mutually, but also with the institution as such, is an important guideline for the establishment of a happy community on campus. The experience which the PU for CHE has had for decades in terms of the educational task and the general education of students offers a firm foundation for the handling of this aspect of the transformation process. The Christian foundation of the University further offers the frame of reference within which the value system of the PU for CHE can be embodied and promoted. In this regard it is interesting to note how more universal values, as identified in the Carnegie Report, tie in directly with the ethos which the PU for CHE has always implicitly maintained, without its having been explicitly formulated and promoted as such:

*"What is needed, we believe, is a larger, more integrative vision of community in higher education, one that focuses not only the length of time students spend on campus, but on the quality of the encounter, and relates not only to social activities, but to the classroom, too. The goal as we see it is to clarify both academic and civic standards, and above all, to define with some precision the **enduring values that undergird a community of learning**.*

In response to this challenge, we propose six principles that provide an effective formula for day-to-day decision making on the campus and, taken together, define the kind of community every college and university should strive to be.

First, a college or university is an educationally purposeful community, a place where faculty and students share academic goals and work together to strengthen teaching and learning on campus.

Second, a college or university is an open community, a place where freedom of expression is uncompromisingly protected and where civility is powerfully affirmed.

Third, a college or university is a just community, a place where the sacredness of the person is honored and where diversity is aggressively pursued.

Fourth, a college or university is a disciplined community, a place where individuals accept their obligations to the group and where well-defined governance procedures guide behavior for the common good.

Fifth, a college or university is a caring community, a place where the well-being of each member is sensitively supported and where service to others is encouraged.

Sixth, a college or university is a celebrative community, one in which the heritage of the institution is remembered and where rituals affirming both tradition and change are widely shared" (Boyer, 1994:7-8).

In view of the conjoining which these values have with the academic context within which they are defined, a special opportunity is offered to test, develop and further concretize these values and their application for this University.

3.6.2.4 Vision of the National Commission for Higher Education

It has already been indicated that the term "transformation" does not occur anywhere in the terms of reference of the National Commission for Higher Education. Yet the Commission formulated a working definition of the concept which embodies a vision for the future higher education in South Africa. This definition reads as follows:

WORKING VISION

The proposed system of higher education will be underpinned by the principles of high quality, life-long learning, equity, democracy and efficiency. The higher education system will be a well-planned and integrated component of the national system of Education and Training. Its students and staff will be representative of South African society. The overarching mission of the system is the development of human resources, research capacity and our communities. The higher education system's production of knowledge is to promote economic, political, cultural and intellectual development nationally, regionally and internationally.

Seeing that this is a working definition, it is desirable to evaluate it critically and to adjudicate it within the context in which the PU for CHE plays a role in higher education in South Africa.

- Higher education as a system

The working definition has been formulated for the **system** of higher education in South Africa. This is of special importance for two reasons:

- 1) it states what characteristics the institutions of higher education should jointly have;
- 2) it creates the possibility of distinguishing what the contributions of the individual institutions can be in terms of the achievement of the overarching aims of the system.

In the context of the specific terms of reference of the commission the importance of the system of higher education stands out:

"The commission must report on:

- 1) *What the steps of the higher education system should be in terms of the types of institutions, the inclusion of institutions in subsectors of the system and the broad functions of each proposed subsector;*
- 2) *What the appropriate allocation of the basic functions of instruction, research and service among the different subsectors of higher education should be, and how, within this broad framework, specific functions could be assigned to an individual or group of higher education institutions.*

From these two terms of reference, and in number 3), where **"due regard for institutional diversity within a subsector"** is mentioned explicitly, it emerges that the vision for the system is one of unity, within which institutional diversity is acknowledged and accepted.

The PU for CHE accepts this vision. The vision of this University has already, at various points in this Report, been stated as one in which this University would like to assume an integrating and acceptable place within the system of higher education. The institutional identity which characterises this University will, in the judgement of the University, also make an important contribution to the qualities visualised for the system as a whole.

- Five principles for the system

The first two of the five principles are particularly related to the nature of the academic programmes of the system, viz. quality and lifelong learning. The high premium which the PU for CHE places on the foregoing has been mentioned repeatedly. The present form of tuition which the PU for CHE is already offering, makes provision for the enabling of the ideal of lifelong learning. This is confirmed by many of the social involvement programmes offered by the University, together with parts of the formal education offered after hours and by way of the flexi-programme. The PU for CHE has already entered the field of open learning, which can further contribute to the realization of the ideal of lifelong learning.

With regard to the final three principles, they have a bearing specifically on the mode of management of the University. The whole argumentation of this section, as well as the subsequent section, points to the important acknowledgement which the University gives to principles such as justice, democracy and efficiency and effectiveness. It is important that the justice and democracy should **go along** with efficiency and effectiveness. This has the effect that justice and democracy should be interpreted and promoted within the context of a university of an **academic institution**. If this should be separated from the university as an academic institution, the university could decline into populism. This University is not only

opposed to this, but will also oppose it actively because the results might be disastrous for all students wishing to undertake academic study at such an institution. In the management of the final three of the five principles, the context which these assume within the context of the university as an academic institution should always be kept in mind.

- An integrated system

The importance which the government attaches to an integrated system of education and training, has been argued earlier on in the Report.

What should suffice here is the viewpoint which the CUP assumed at the meeting of July 1995. The integrated system has been supported in principle, but the application has to be done within the policy guidelines which the CUP uses for their qualification structures and the promotion of quality in the system.

- Representative image of the South African community

The vision of the commission is that students and staff of the university system should reflect the profile of the South African community. This viewpoint was also argued by the CUP on an occasion when an adjustment of the subsidy formula was considered to make provision for students who were financially disadvantaged. On that occasion the CUP accepted the following principle, which is also supported by this University:

*"The objective should be that the composition of the university **system** should reflect the demographic composition of the **country**" (CUP, July 1995).*

In the acceptance of this principle the CUP weighed three considerations:

- 1) Because of the geographic division of the South African population there are concentrations of the different population groups which differ from region to region. For that reason it is simply impracticable to expect of **every individual university** to reflect the demography of the country as whole with regard to students and staff.
- 2) The historical development and character of the different universities are different and divergent and cannot simply, without further ado, be changed in the immediate future. In this regard, for example, the historically black universities have, according to the latest figures, as little as 1% white students. In the case of the PU for CHE, the demographic profile of the University has already been dealt with and the tempo of change in the profile has already been indicated.
- 3) **Each** university should contribute to the realization of the ideal that the demographic profile of the population should be reflected in the system. In this regard, too, the mentioned data of the PU for CHE indicate that the University will contribute actively to the issue of the student composition. At the level of staff this is also enjoying attention, but here the progress is slower, linked to factors such as the availability of well-qualified personnel, posts available and the affordability of financial demands made by prospective new staff members.

- Mission of the system of development

The overarching vision, that the system should contribute to the development of the human and intellectual resources of the country, is excellent. The similarity which this reveals with the UNESCO Report is also striking.

The PU for CHE judges that this vision for the universities can best be attained through high quality training of the students at each university and the intellectual enrichment which the community attains through the extent to which such graduates enter the job market every year. The PU for CHE annually delivers an average of 2 000 graduates from the level of diplomas to Ph.D.'s. About a third of these students have post-graduate degrees.

With regard to the vision for research, this is also fully supported by the PU for CHE, as argued elsewhere in the Report.

It goes without saying that a vibrant university system will contribute to the regional, national and international development of South Africa in a variety of fields. The PU for CHE is confident that the recommendations of the commission will help promote such a flourishing system and this University has already started, as in the past, to work actively in this field.

3.6.3 Current status of transformation at the PU for CHE

3.6.3.1 The approach to transformation

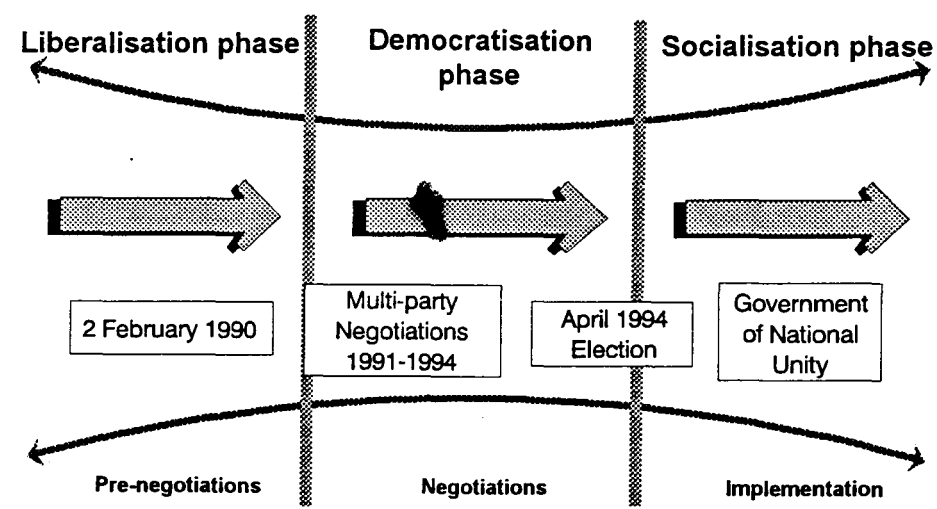
Since the eighties the change which was effected at the PU for CHE was mainly due to the overarching management of change with a special participation of the Strategic Planning Group of the University. The result of the process was also made available to the previous Department of National Education in the form of the Long-term Development Plan (1989 to 2005) which was submitted to the Department in 1989. This development plan also formed the basis for the strategic planning which was further developed by the University on an annual basis.

Through the inputs of the members of the Strategic Planning Group, which includes senior functionaries from all the areas of the University, as well as members of the Council, inputs could be obtained across a broad front of the University, and the results were communicated on an ongoing basis to the University as a whole. In this planning the national transformation of South Africa was anticipated and account was kept of the influence which this could have on the South African society. In their unique way the students also participated in this process, especially by way of the active organized student life of the University.

Following the political transition of 27 April 1994 the **national policy guidelines**, for example the White Paper on the RDP and that on Education and Training, became available and these could then be involved in the planning. Together with that the concept of "transformation" and the participation of stakeholders in the process became clearer and this began to assume shape on the campuses of the University. Prior to 27 April formal and informal forums and discussion groups already began to play a role in the process of change.

Milestones on the road of change, as they occurred in the course of the past two years, will be discussed in the subsequent section. From that it is clear that the Council, the Management of the University and the stakeholders are all committed to the process. Towards the end of 1994 the form of the process began to assume a final shape and the mode of approach was finalized. An important frame of reference was the national transformation which occurred in South Africa. Figure 1 has been designed to convey the meaning of the fundamental changes which had occurred in South Africa by way of introduction, where the meanings of concepts such as "liberalization", "democratization" and "socialization" and the influences of these on society could be explicated. A basic assumption was that each inhabitant of the country is directly affected by the national transformation and that this is also true for each institution.

Figure 1: Phases in the National Transformation



With regard to the universities, there was a further assumption that they fulfil such an important role in the civil society that they have to provide direction in such a crucial period.

As educators of a group of leaders of society, universities should be able to understand the trends and meaning of the relevant period, respond to those in a fundamental manner, and equip the university community for the new challenges and opportunities. New variables that the university should especially consider include the following:

- The constitution

The University has accepted that the constitution is the highest authority in the new South Africa, and the Council instructed the research group of the Faculty of Law, under the chairmanship of the Registrar, Prof. WE Scott, to investigate the influence of the new constitution on the broad field of education and to report on it. The results of this investigation are dealt with in detail in the beginning of this Chapter of this submission.

- The National Commission on Higher Education

The first drafts for commission were introduced in the University and the specific terms of reference, as contained in the Government Gazette, No. 16243 (356) of 3 February 1995, have been used by this University as a base document for the process of transformation to be effected at the University.

- The RDP

The initial ANC document on the RDP, but especially the later White Paper on the RDP of the Government of National Unity, has also been used as a base document.

- Financial considerations

The profile of the state financing of education in general, and of the universities in particular, has been stressed in order to determine the boundaries for the resources available to the University and to design a strategy according to which the University can and should reinforce these resources.

- Stakeholders

All stakeholders in the University have been identified and involved in the process in one way or another. Although inputs were obtained from external stakeholders, the focus fell on the involvement of especially the internal stakeholders.

- International trends

Account has to be kept of the fundamental changes which are taking place internationally and which affect South Africa, each university and this University in particular.

In the communication of these changes, the following viewpoint was formulated:

The question is not whether the University is going to participate in the changes, and whether the University will function within the new rules of the game. Such a choice lies outside the University's area of competence. The question is therefore: How should the University respond to these challenges?

Where the initial strategic planning of the University had been restricted to a group of about 30 individuals, the Council of the PU for CHE decided on 15 September 1994 that the strategic positioning of the University should also establish an **inclusive consultative** process in which relevant stakeholders should be involved. This was achieved with two forums held in October and November 1994, through which it was accepted that the University had entered the process of transformation. The consensus was that the transformation had to be future-directed, should run within the typical contexts of transformation processes, but also that the process should be unique to the PU for CHE. The process was designed, generally accepted, institutionalized and introduced as the

PUK 2000

and

WATUNI 2000

forum under these broad assumptions.

PUK 2000 is the name of the process as it runs at the University as a whole, but with a focus in terms of the Potchefstroom campus. WATUNI 2000 has been designed specifically for the Vaal Triangle Campus. PUK and WATUNI are the acronyms based on the historic name of the Potchefstroom campus (Potchefstroomse Universiteitskollege = PUK) and the typification of the Vaal Triangle Campus as the Water University (= WATUNI) because of the situation of the campus on the banks of the Vaal River. The comprehensive PUK 2000 process is typified as follows:

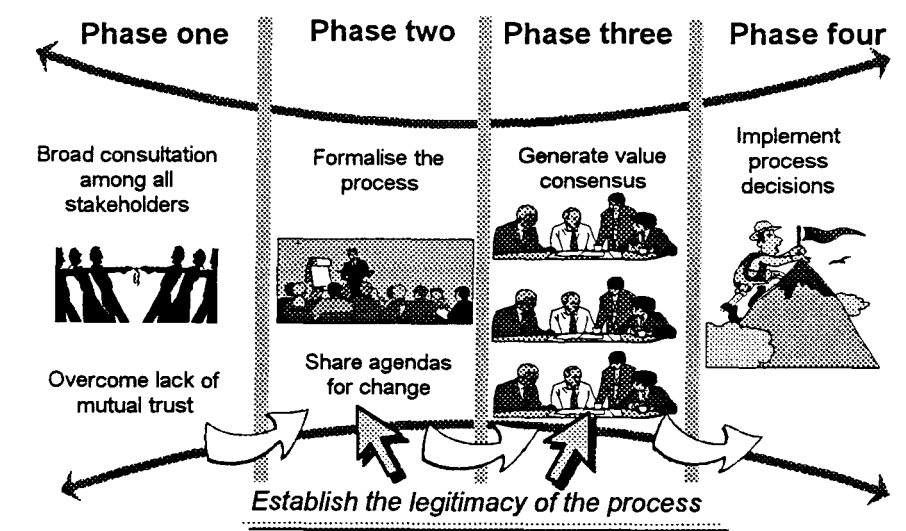
PUK 2000 is a consultative, value-creating process in which fundamental reflection is done on the place, role and function of the PU for CHE in a fundamentally changing environment and which takes place on a basis of inclusivity, transparency, accessibility and involvement of all the University's stakeholders. This transformation process should enable all the policy-makers of the University to enter the future strategically and proactively and should be facilitative where fundamental changes are needed at the University.

In the design of the PUK 2000 process the following three fundamental assumptions were accepted by all the stakeholders who participated in the process:

- The transformation has to be compatible with the **character of the University** (the Christian foundation and Afrikaans as the medium of instruction) which are both guaranteed by the Constitution, but with the proviso that the application of these should not be in contravention of the fundamental rights of individuals;
- The transformation should take place within the **autonomy of the University**, embodied in the dynamic nature of the South African society, and the need for service to the broader community;
- The transformation should stabilize the University as a centre for **academic excellence**.

In order to communicate the design of the process, it was designed, in the first place, in the shape of a kind of bottleneck, similar to the figure as proposed for the national transformation (Figure 2). The different phases of the process and some expected progressions are indicated.

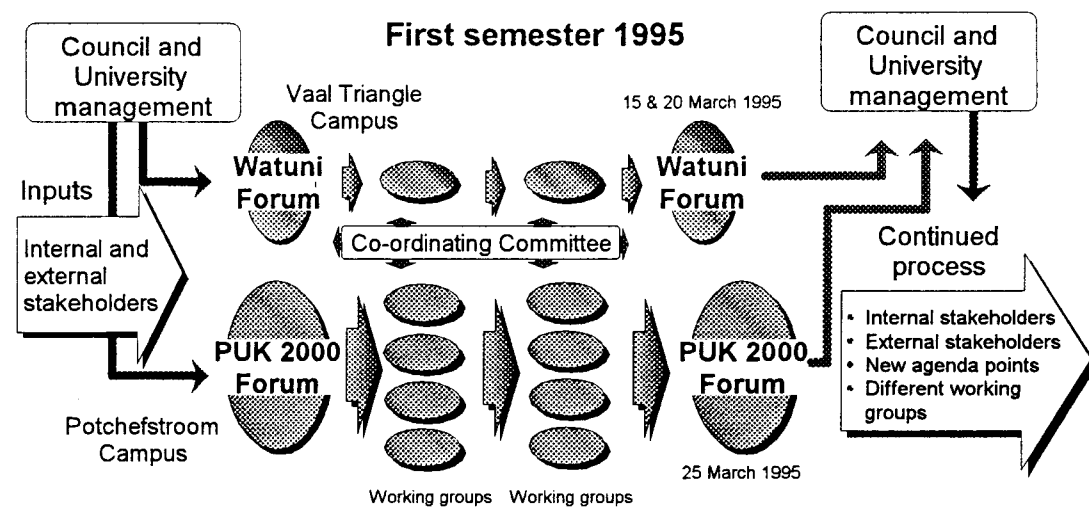
Figure 2: The process design



A further diagrammatic representation was designed to explain the structure of the process (Figure 3). In this figure the participation of the Council, Management and the internal and external stakeholders on both campuses of the University are indicated. Target dates, the

co-ordination of the process, expected results and the continuation of the process are also indicated.

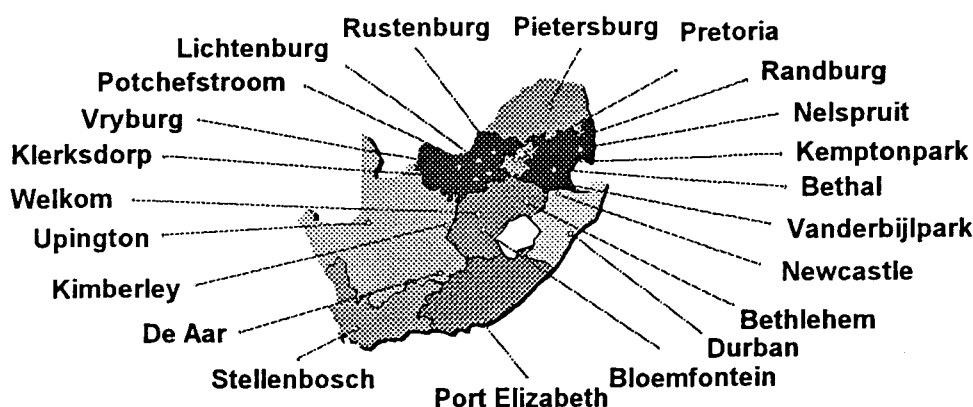
Figure 3: Structure of the process



The whole PUK 2000 process was outlined professionally on a set of twenty transparencies with a view to communication and consultation. Communicational meetings were held with the local communities, staff and students of the University, and with two trade unions, viz. NEHAWU and MESHAWU. A wage dispute with NEHAWU had an inhibitory effect on the process, but the process was not torpedoed. A special facet of the communication came from the inputs of the alumni of the University. These shareholders were involved in the process in the following way following advice of the executive of the Alumni Association ("Bond van Oud-Pukke"):

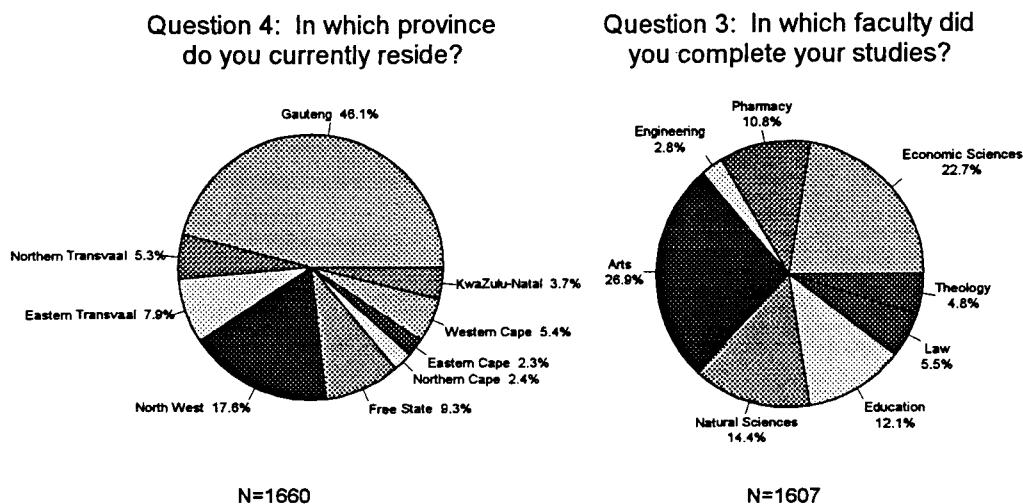
- All alumni on the address list of the University (theoretically 22 000, but *de facto* fewer because of incorrect addresses) were informed about the PUK 2000 process.
- A questionnaire was sent to the 22 000 addresses to obtain feedback from the alumni about critical issues centring on transformation.
- The six members of the Management Committee of the University attended 22 meetings of alumni countrywide where those who attended had the opportunity to obtain information personally about PUK 2000 and to render inputs (Figure 4).
- From each of the 22 areas a representative was invited to the PUK Forum of 25 March 1995, where the whole process of transformation and the results of the working groups were discussed in-depth (see later).

Figure 4: Alumni visits by members of the Management Committee



A good response was obtained from the alumni which, based on an estimate of the correct number of addresses, could be as high as 30%. The reaction of alumni came from all nine provinces of South Africa, as well as from all eight faculties of the PU for CHE (Figure 5).

Figure 5: Composition of alumni



From Figure 3 it can be deduced that the meetings of March 1995 were of special importance. On 25 March 1995 the big indaba took place, where the agenda for the meetings (Table 7) as well as the results of the work of the working groups could be tabled about each agenda point.

Table 7: Agendas for the PUK 2000 Forum of 25 March 1995

Potchefstroom Campus	Vaaldriehoekse kampus
1. Character and vision of of the PU for CHE.	1. Vision, mission and character of the Vaal Triangle Campus.
2. Governance	2. Composition of the Council (governance)
3. Language policy	3. Language policy
4. Accessibility	4. Management of the Vaal Triangle Campus
5. Financial policy	5. Financial policy

Although all the agenda points came up for discussion, the PUK 2000 Forum of 25 March only passed two resolutions:

Proposal 1:

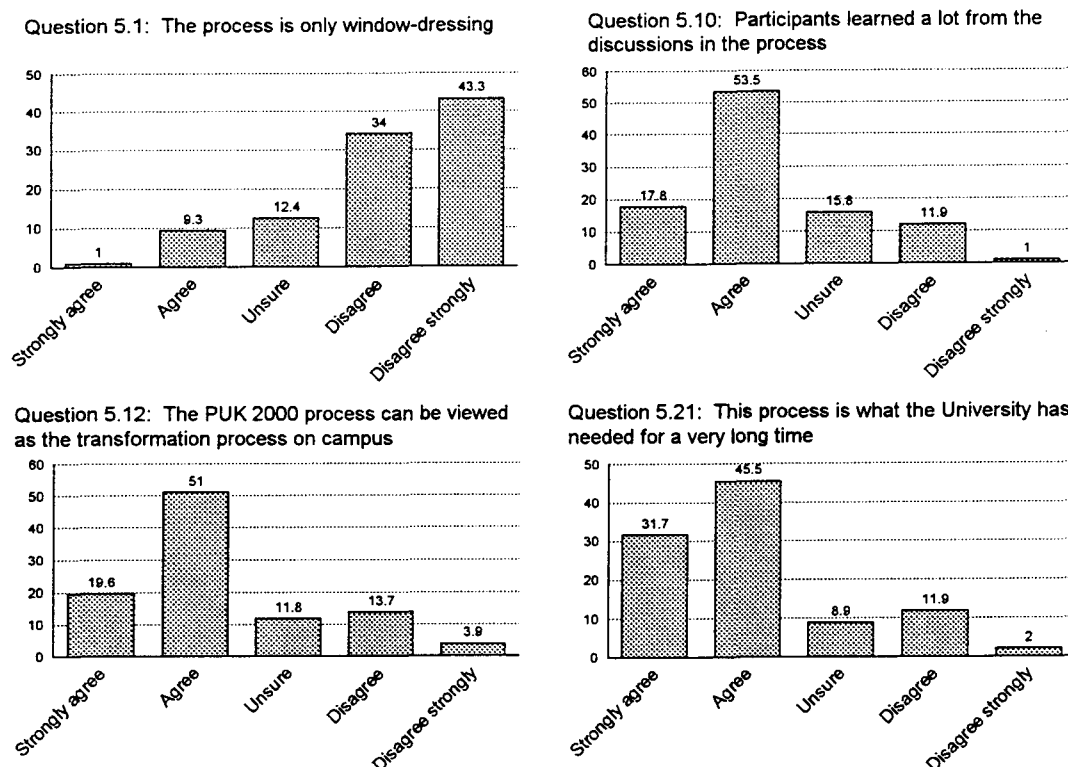
It is recommended to the Council that the membership of the Council be amended within the framework of the current legislation in order to give access to communities who had hitherto been excluded from access to the governance of the University.

Proposal 2

That a steering committee be nominated by the Forum and be given the terms of reference to see to it that the inclusive process of consultation continues and to provide the Council with legitimate advice about the re-composition of the Council before 25 May 1995. Communities should get the opportunity to submit names of candidates, together with a motivation and a curriculum vitae for submission to the Council via the steering committee. At least one of the candidates should come from the Vaal Triangle.

Seeing that the meeting of 25 March 1995 had been the first really big and representative meeting where the stakeholders could discuss core aspects, an evaluation questionnaire was given to all participants for purposes of adjudicating PUK 2000. The questionnaire was sent back by about 60% of the participants, and the results of the responses to four questions are reflected in Figure 6.

Figure 6: PUK 2000 responses



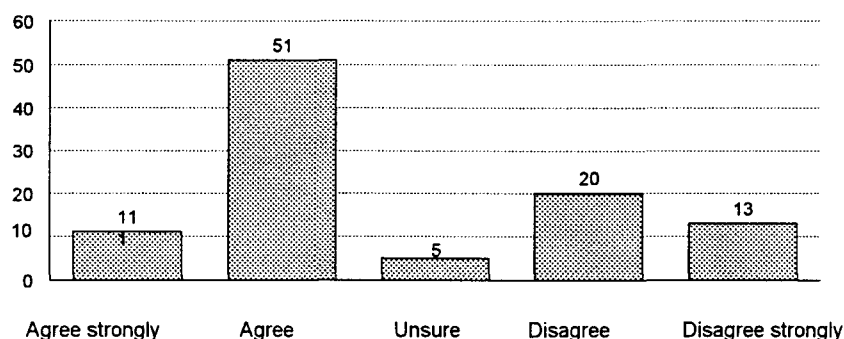
From these data it can be derived that:

- 77,3% of the participants did not regard the process as window-dressing.
- 71,3% of the participants felt that they had personally learnt a great deal from the discussion of the forum.
- 70,6% of the participants accepted PUK 2000 as the transformation process of the University.
- 77,2% of the people felt that this kind of process had been a long-felt need at the University.

In the light of the important proposals which the forum made about the composition of the Council, the feedback of the alumni about this is also relevant. This is represented graphically in Figures 7 and 8.

Figure 7: Alumni vision about the need for change

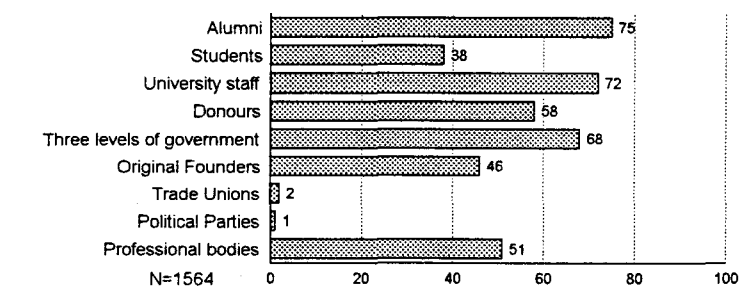
Question 11: The Council of the University should reflect the broad community that is being served by the University



N=1651

Figure 8: Alumni vision about Council members

Question 12: Who ought to be on the University Council?



From this feedback it is clear that the judgement of the alumni accords with the proposal for the change of the composition of the Council (62%) but that this stakeholding group of the University felt strongly about non-availability of seats for politicians and trade unions in the Council.

After the forum of 25 March 1995 the Steering Committee executed the terms of reference and the results obtained were then discussed.

3.6.4 Milestones on the road of change

3.6.4.1 17 March 1993: The first Puk-Forum

Theme: The Potchefstroom University for Christian Higher Education (PUK) in a changing local and international environment.

Speaker: Prof. W. Esterhuyze, University of Stellenbosch.

Result: A clear awareness that the University must undertake an ongoing account of the manner in which it defines itself as a university and determine its place regionally, nationally and internationally.

3.6.4.2 17 March 1994: The second Puk-Forum

Theme: The right of existence of the PUK as a Christian University in a dispensation after apartheid.

Speaker: Mr. Franklin Sonn, Rector of the Peninsula Technikon.

Result: The conclusion that the new constitution (Section 32(c)) makes provision for educational institutions to define themselves according to a religious principle, without discrimination on a racial basis.

The realization that the constitutional right which is granted in Section 32(c) should be defined accurately and comprehensively by all the interested parties of the PUK in such a way that other important requirements (e.g. accessibility, affirmative action, control, etc.) are not frustrated.

3.6.4.3 19 August 1994: Procession by students

Theme: Change of the PU

Speaker: Mr. Joe Modise, a graduate student and spokesman of the African Students' Committee.

Result: Proposition by the Rector "... that we undertake to initiate a transparent negotiating process on how to address the process and to view your request."

3.6.4.4 15 September 1994: The Council's commitment to change

Theme: Strategic determination of position at the PU FOR CHE.

Author: The Council

Result: Five aspects of precedence with a view to change are determined: the tertiary system of education in South Africa, accessibility, finance, control and quality. The Council has authorized the Management (committee) of the University to continue with the transformational process and has instructed that the process must be transparent and inclusive and should involve all the interested parties of this University.

3.6.4.5 21 October 1994: Discussion with the Potchefstroom Civic Association

Theme: Necessity of change at the PUK

Attendance: A delegation of nine, including the Civic Association, ANCYL, ANC, SADTU, deliberate with the Vice-rector, Prof. Stef Coetzee, Prof. PJJS Potgieter and Mr. TP Venter.

Results: Points of discussion:

- Restructuring of the governance at the University.
- Restructuring of academic departments/faculties
- Language Policy
- Student admission
- Kagiso trust/funding problems

3.6.4.6 28 October 1994: Third meeting of the Puk-Forum

Theme: The necessity of and arrangements for a transformational process

Attendance: One hundred and twenty-two staff members as well as students, including those of the Vaal Triangle Campus.

Results: Staff and students are invited by the Rector to participate in a transparent and comprehensive process of consultation concerning the future of the University.

A task group is nominated to plan an applicable transformational process: extent, time-table, central issues, etc.

3.6.4.7 15 November 1994: Fourth meeting of the Puk-Forum

Theme: Plan for design of the transformational process

Attendance: Invitations to all staff and students. A representative group (152 persons) present.

Results: It is decided to commence with an inclusive consulting process aimed at the creation of a shared value foundation for the addressing of central issues concerning the change.

In this process decision-making will take place according to the principle of consensus.

The task group (Co-ordinating Committee) expanded to represent the internal interested parties more fully.

3.6.4.8 3 February 1995: Fifth meeting of the Puk-Forum

Theme Plan for the transformational process

Attendance: 137 persons from all articulations of the University.

Result: That the name of the Forum will be: Forum PUK 2000

The internal and external stakeholders in the issues concerning the transformation are determined.

Four task groups, representative of all interested parties on the campus, are nominated to formulate proposals with a view to discussion by the Forum PUK 2000.

A time-table for the process up to June 1995 is agreed upon.

The Co-ordinating Committee gets the mandate to convene a meeting of the Forum PUK 2000 for 25 March, so that the proposals of the task groups can be discussed and to do the rounding off of the first contributions of the Forum with a view to the Council meeting of 26 April.

3.6.4.9 17 March 1995: PUK-Forum

Theme: Re-orientation of universities:

The role of the PU for CHE in the development of the country.

1 International view: Drs. Harry Brinkman, Chairman of the Management Committee of the Vrije Universiteit, Amsterdam.

Conclusion: On the one hand universities still enjoy the status of independent institutions and should do everything in their ability to retain this. On the other hand they are also responsible towards the government and the community. Re-orientation of university structures is essential with regard to the addressing of new relationships of universities towards government and society.

2 The requirements of technological development and competitiveness: Dr. Chris Garbers, former president of the CSIR and member of the National Commission for Higher Education.

Conclusion: Universities are facing enormous international challenges as a result of the eradication of boundaries and the information technology. Universities which do not comply with the requirements of the new technological era run the risk to become increasingly irrelevant concerning all the functions typically belonging to universities.

3 Universities within the framework of the Reconstruction and Development programme: Prof. Jakes Gerwel, Office of the State President.

Conclusion: In the new South Africa universities can make a key contribution to the Reconstruction and Development Programme. Involvement with the development issues of the country is essential. High-level expertise should be

applied to especially research and education, so a contribution can be made to the solution of the basic problems of poverty and illiteracy which constricts so many South Africans.

3.6.4.10 25 March 1995: The Forum PUK 2000

3.6.4.10.1 Proceedings at the Forum PUK 2000

The chairman of Forum PUK 2000 was an independent facilitator, Dr. Theuns Eloff, manager of the newly-formed Business Foundation. The Forum PUK 2000 commenced on 25 March 1995 with the collaboration of all the internal stakeholders of the University, except for NEHAWU, due to a wage dispute which this group had with the Universities. The following internal groups have attended the forum:

- Provincial government: Mr. S. Roopa (MEC) as observer.
- Local government and the local community: Dr. E Sooliman
- Alumni
- Dr. JG Pretorius, Chief Director (Tertiary Education) of the Department of Education was invited to the Forum. On account of his appointment as Vice-rector of the Pretoria Technikon shortly before the Forum took place, he decided not to be present.
- Members of the University Council
- The local business community

3.6.4.10.2 Determining the agenda

The agenda for the Forum was compiled in terms of the preferences and viewpoints which had been formulated by the four task groups at the Potchefstroom campus and the working group of the Vaal Triangle Campus. These were:

Potchefstroom Campus	Vaal Triangle Campus
Character and vision of the PU for CHE	Vision, mission and character of the Vaal Triangle Campus
Governance	Composition of the Council (governance)
Language policy	Language policy
Accessibility	Management of the Vaal Triangle Campus
Financial policy	Financial policy

After comprehensive and penetrating discussion it was decided that the issue of governance and the legitimacy of the process are the most urgent affairs and it was agreed that:

- A task team in control of issues must meet independently of the Forum, to discuss the matter of control, and
- the Forum must continue and discuss the above-mentioned agenda. The status of this discussion will be informative of nature, pending the advice of the work team.

3.6.4.10.3 The work team in control of governance

After long negotiation by the work team, the following proposals have been submitted to the Forum and accepted as consensus decisions.

Suggestion 1: It recommended to the Council that its membership be extended, within the framework of the existing legislation, in order to grant access to the control of the University to communities which have thus far been excluded.

Suggestion 2: That an Organising Committee be appointed by this Forum with the mandate to ensure the continuation of the inclusive negotiating process and to serve the Council with legalized advice in the matter of the restructuring of the of control of the University, before the end of May 1995. Communities will have to get the opportunity to submit names of candidates to the organising committee, together with motivations and their curricula vitae, with a view to appointment on the Council. At least one of these candidates must be from the Vaal Triangle.

The Forum PUK 2000 further agreed to:

- Convene an organising committee in conjunction with the as mandate as explained in Suggestion 2.
- Act as the final decision-making body with regard to the submission of proposals which were formulated by the Organising committee to the University Council.

3.6.4.10.4 The appointment of a Transitional Organizing Committee

The Forum PUK 2000 also decided to appoint an Organising Committee of nearly 30 representatives, representative of the academic staff, the students, the support staff, external stakeholders and the management. Prof. PJJS Potgieter was appointed as convenor, and Mr. Theo Venter was requested to act as facilitator/process consultant of the Organising Committee.

The Organising committee has received the following instructions:

- To meet and elect a chairman from their ranks
- To see to it that the process continues and to arrange future Forums.
- To create structures so that the execution of the suggestion concerning the University Council is assured.
- To reconsider the documentation which was on the table during the sessions of the Forum, and re-submit it at a later opportunity.
- To see to it that the Forum remains inclusive.

3.6.4.11 The Transitional Organizing Committee

3.6.4.11.1 Declaration of intent

The Forum accepted the following declaration of intent:

We, participants in the FORUM PUK 2000, commit ourselves to address the changes at the University in a consultative and urgent way and in compliance with the nature and character of the University. PUK 2000 can be described as a consultative and value-creating process which has to reinvestigate, on the most profound level, the role, function and structures of the University, with the changing local and international environment in mind; and on the basis of representativeness, inclusivity, accessibility and transparency. This process must enable decision-making at the University to meet the future pro-actively and strategically prepared, but it has to, where necessary, facilitate basic changes at the University.

We acknowledge the FORUM PUK 2000 as a lawful forum to address the adjustments/changes at the University, and we commit ourselves to the promotion of the inclusivity and legitimacy of the FORUM.

We also commit ourselves to approach the process of planned change in an inclusive way, and to keep this process transparent. We acknowledge the right of each individual to state his or her viewpoint and to differ from each other but to respect differences and work constructively and with tolerance. In view of the above-mentioned, decision-making will occur on the basis of consensus.

We acknowledge that this process is a PUK-process in which all stakeholders may participate; and, where necessary, external stakeholders should also be granted a share.

3.6.4.11.2 Nominations for members of the Council

- During discussions with the Rector, Prof. CJ. Reinecke, it was agreed that the Organising Committee may advise the Council concerning the filling of five vacancies in the Council: four nominations by the Minister, and one with regard to internal institutions by virtue of section 8(1)(h) of the Private Act. The factual position regarding the ministerial nominations was that only one vacancy existed. However, the Rector suggested that two additional vacancies 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 1994, in the light of the 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 nominations to the Council.

In this context the Minister would like to request the following:

1. Information concerning the process according to which the nominees have been appointed by the FORUM, together with the names and short curricula vitae of the candidates;
2. comment by the MEC for Education of the region on the names which were submitted by the FORUM;
3. the viewpoint of the Council concerning nominations by the Minister.

The Minister also drew attention to the fact that:

(a) nominations are the prerogative of the Minister; and

(b) that the above-mentioned three viewpoints are, in essence, only advisory.

- By way of an open process where all interested parties were invited to nominate candidates, the Organising committee submitted a shortlist of 9 candidates to the Council on 21 April with a view to the ministerial positions, together with advice on the one remaining vacancy in the Council. The following has been approved by the Council:
 1. Concerning the vacancies in internal institutions, the Council has accepted the Organising Committee's recommendation that the vacancy be granted to the non-academic staff of both campuses. The Council has chosen not to react to the list of three candidates submitted by the Organising Committee, but referred the list back with a view to a definite nomination before the end of May. The Organising Committee, in consultation with the Registrar and the Chief Director: Personnel, are currently working on a procedure to nominate a representative to Council for the support staff on both campuses.
 2. The list of nine names, the curricula vitae and the views of the FORUM were accepted unconditionally by the Council and will be submitted to the Department of Education with a view to consideration by the Minister.
 3. The Council has requested the Rector to obtain the viewpoint(s) of the MEC concerning the recommendations of the FORUM.
 4. The Council has indicated that the fourth ministerial nomination will become vacant, with time. The Council directed the Minister's attention to the importance of financial expertise which is usually associated with these nominations, and also submitted the names of three possible candidates to the Minister concerning the current position of South African universities regarding their financial positions.
 5. The Council agreed on the prerogative of the Minister to make all nominations according to his discretion, in compliance with the information which was submitted to him.

3.6.4.11.3 Other matters concerning the transformation

- The Transitional Organising Committee is also busy formulating proposals concerning three key affairs regarding the transformation, namely:
 1. Language
 2. Governance
 3. Access
- On 11-13 May a "bosberaad" was held at Nooitgedacht to reconsider all the documents which were prepared by the workshops, so that suggestions can be formulated concerning the issues of transformation.
- At the "bosberaad" decisions were made on:
 4. An estimation of the value of the process.
 5. Co-ordination of the transitional forums on the two campuses.
 6. The relationship between the FORUM and the Council.
 7. Character and vision.
- While a proposal was being discussed concerning the future language policy of the University, some members of the Organising Committee voiced their dissatisfaction with the course of events in and indicated that they wanted to withdraw from the "bosberaad". Three reasons for their dissatisfaction were given:
 8. The Council's addition of three names to the list of candidates for ministerial nominations without consulting the Organising Committee.
 9. The perception which prevailed among them that the Organising Committee does not really intend to pursue transformation.
 10. The impression which they got that the issues centring on the religious character and the language policy of the PUK were considered as non-negotiable by some members of the Organising committee.
- After these reasons had been stated, the dissatisfied members withdrew from the "bosberaad".
- After their withdrawal the remaining members of the Organising committee decided: "That the bosberaad be terminated on account of the lack of inclusiveness, that the process to nominate a Council member for internal institutions be continued, and that the Executive Committee be requested to re-commence the process, but not to enter into compromises without the knowledge of the Organising Committee".

3.6.4.12 1 June 1995: Interview with the MEC for Education, North-West Province:

On 1 June 1995 a meeting was convened between the MEC for Education, Ms. MJ Gaoretelelwe, senior members of her department, and a delegation of the PU FOR CHE, consisting of Prof. CJ Reinecke (Rector and Vice-Chancellor), Prof. PJJS Potgieter (Chairman of the Transitional Forum and Dean of Students) and Prof. Annette L. Combrink (Deputy Dean, Faculty of Arts).

The largest part of the discussion revolved around the position of the University and the process of transformation. The most important conclusions were as follows:

1. Universities are acknowledged as national assets, but their regional involvement is considered as exceptionally important. A spirit of co-operation between the PU for CHE and the North West should thus be cultivated. The Rector invited the MEC and members of the Department of Education to visit the University on 5 July 1995, with a view to their getting better acquainted with the University and the respective programmes which are offered at the University, and also especially with regard to support of development in the region.
2. While the statutory character of the University is articulated, particular sensitivity must be exercised with regard to possible discriminating aspects of this character. The

University has to pay particular attention to issues like the language policy, so that the service which it supplies to its respective communities not be compromised, and that non-Afrikaans speaking individuals not be wronged in the process.

3. It was clear that there is a desire among all parties that the transformational process should continue. The use of a neutral facilitator in the processes of negotiation and discussion was recommended, and this matter is currently being investigated.
4. The request of the MEC with regard to mediate between the dissatisfied group (students and other) and the University was accepted, and the meeting was arranged for 6 June 1995 at 10:00 in Mmabatho.

3.6.4.13 1 June 1995: Protest March by SASCO and PASO

On 1 June 1995 a protest procession was organised by SASCO and PASO. The procession complied with the requirements of the local authority and took place peacefully. A memorandum of requests was delivered to the Vice-rector, Prof. Stef Coetzee, who agreed as a matter of urgency to attend to it. He emphasized, however, that negotiation was the only way to solve problems and that a transformational process was at present under way to address the exact issues which underpinned the students' demands.

3.6.4.14 Reconstituted Council

The latest phase of the process of change involves the reconstitution of the Council within the framework of current legislation. In response to the submission to the Minister of Education, the following four members were nominated by him to serve on the Council:

- 1 Dr. E Links
- 2 Prof. A Small
- 3 Dr. EOG Sooliman
- 4 Mr. GB Phage

3.6.4.15 The subsequent phase of the process

The subsequent phase of the process will probably deal with:

- 1 The establishment and definition of the role of the FORUM within the University and its relationship with the Council;
2. A mutual agreement on the essence of **transformation** and its implications for this University;
3. All key issues of the University and other operational and educational aspects which are under scrutiny on a sustained basis by the University.