



## COUNCIL ON HIGHER EDUCATION

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

Wednesday 17 May 2006, University of the Western Cape, Library Auditorium

1.	<p><b>Welcome</b> Prof Brian O’Connel (Vice-Chancellor and Rector, University of the Western Cape)</p>
1.1	<p>Dr James Leatt, who chaired the discussion, opened the meeting at 15.40. He introduced Prof Brian O’Connel, the Vice-Chancellor and Rector of the University of the Western Cape (UWC).</p> <p>Prof O’Connel expressed a belief that those who were present were the right participants for the engagement. He extended a special welcome to the Chairperson, Dr James Leatt of the Cape Higher Education Consortium (CHEC), to Ms Judith February, a member of the HEIAAF Task Team, and to the two speakers, Prof Martin Hall, and Prof Yusef Waghid.</p> <p>Prof O’Connel commented on the nature of the old institutional landscape of South African higher education. This had been a complex landscape, with 36 higher education institutions (HEIs), created for reasons other than knowledge development. All had been shaped by apartheid: many with low-qualified staff, demonstrating low throughput and lacking strong student commitment to learning. Many institutions created for particular ethnic groups in the apartheid era had been experienced as cold and alienating spaces by the first generation of students.</p> <p>By 1997, when the post-apartheid government turned its attention to higher education, some HEIs had been effective and efficient, but none had succeeded in meeting all the goals of transformation: so began a period of state intervention, which might be seen as occurring directly within the arena of institutional autonomy.</p> <p>Around the world, universities could be seen to be under siege, with external interventions serving to destroy the very quality and accountability they are supposed to foster. Drift had to be replaced by thrift and purpose, yet change would be difficult (if not impossible) because of the way in which universities are structured (‘Presidents can’t act and faculties won’t act’, under one view). This was the essence of the challenge around which Prof O’Connel urged participants to create new knowledge.</p>
2.	<p><b>Introduction by the Chairperson</b> Dr James Leatt (Executive Director, Cape Higher Education Consortium)</p>
2.1	<p>Dr Leatt remarked that the forum was making history: it was the first time that the Council on Higher Education (CHE) had sought input on an important area of investigation through a forum of this kind in the Western Cape, and also the first time that CHEC had been asked to collaborate in such a project with the CHE.</p> <p>The purpose of the regional forum was to have a substantial debate on government</p>

	<p>involvement in higher education in the light of the principles of institutional autonomy, academic freedom and public accountability, and to provide the CHE with structured feedback.</p> <p>Dr Leatt thanked Prof O'Connel for the use of UWC facilities and for his introductory remarks. He introduced Ms Judith February, a member of the Task Team on HEIAAF, who would be presenting the terms of reference of the Task Team.</p>
3.	<p><b>Task Team on HEIAAF: Terms of Reference of the Investigation</b> Ms Judith February (Programme Manager, IDASA; Member of the Task Team)</p>
3.1	<p>Ms February said that her brief introduction to the HEIAAF Task Team's Terms of Reference was intended to focus on the underlying intentions of the enquiry, and key elements in the programme of work.</p> <p>The CHE had convened the HEIAAF investigation of its own initiative, and not in response to a request for policy advice from the Minister of Education. The enquiry had no predetermined agenda or outcome; rather, its goal was to identify, describe and critically analyse various conceptions, claims and counter-claims as to government's role in South African higher education and higher education transformation, so as to advance independent argument and conclusions on the issues.</p> <p>To this purpose, the CHE had convened an independent Task Team to guide and oversee the enquiry. Members were appointed to the Task Team in their individual capacities and were widely-respected persons with expertise and experience in the higher education and research sectors, and in other relevant areas of civil society.</p> <p>The Task Team had selected three key focal points for its enquiry:</p> <ul style="list-style-type: none"> <li>• Appropriate nature and modes of government involvement in higher education transformation;</li> <li>• Appropriate relationships between government, bodies with higher education regulatory functions, and higher education institutions;</li> <li>• Appropriate conceptions of institutional autonomy, academic freedom and public accountability (normative and contextualised).</li> </ul> <p>These avenues were being pursued through a number of interventions (see below) in order to build shared understanding of the issues, to generate consensus if possible (although absolute consensus might remain elusive), and to compile an independent report.</p> <p>The Task Team had formulated starting premises for its work, although these too were up for debate by other role players and stakeholders:</p> <ul style="list-style-type: none"> <li>• Government has a key role to play in transforming higher education in a democratic South Africa;</li> <li>• State steering is predicated on the principles of institutional autonomy, academic freedom, public accountability, democratisation and development;</li> <li>• As transformation has shifted from policy frameworks to implementation, concerns and claims have arisen that government involvement has shifted from steering to interfering;</li> <li>• These issues have potential to become major sources of conflict and contestation in South African higher education;</li> <li>• This situation requires exploration of key underlying conceptions in the state-sector</li> </ul>

	<p>relationship, and the links between them, as held by different higher education actors.</p> <p>The HEIAAF process was unfolding over about two years (July 2005 to the second half of 2007), using five key inputs:</p> <ul style="list-style-type: none"> <li>• Commissioned overview of recent and current debates in the Task Team’s field of enquiry (completed October 2005);</li> <li>• Stakeholder submissions (first call for submissions made in July 2005 and a first set reviewed by the Task Team in October 2005; submissions were ongoing and a call for submissions by institutional stakeholder formations was in process);</li> <li>• Regional fora (six fora around the country between March and June 2006; a second round of regional fora was possible later);</li> <li>• Key interviews and meetings (e.g. the Task Team had already met with Department of Education (DoE) representatives, Higher Education Quality Committee (HEQC) Board representatives, Higher Education South Africa (HESA) Executive Committee members, student leaders, etc.);</li> <li>• Commissioned research (March-July 2006) – these projects covered: <ul style="list-style-type: none"> <li>○ Evaluation of co-operative governance, matching empirical perspectives with constitutional and public policy perspectives;</li> <li>○ Interrogation of the practice of academic freedom in South Africa (and Africa) and implications for the wider practice of intellectual freedom;</li> <li>○ Exploration of the potential of a ‘social pact(s)’ for institutional autonomy;</li> <li>○ Focus on theoretical and empirical dimensions of public accountability in South African higher education;</li> <li>○ Cross-cutting theoretical analysis deriving a principled and contextualised framework for the state-sector relationship, taking into account the South African, international and ‘market’ contexts of higher education.</li> </ul> </li> </ul> <p>The Task Team sought to make its investigation as inclusive as possible, drawing in a broad range of stakeholders and role players. The various outcomes of these initiatives would be used by the Task Team to refine the continuing process leading to its independent report. The report would be disseminated via a national seminar (along the lines of the annual CHE colloquium). The CHE wanted people in the higher education sector to own the report and to engage with it. The CHE had the option of using the Task Team’s independent report as a key input to a policy report and policy recommendations of its own to the Minister of Education.</p> <p>Ms February said that starting a conversation about government involvement in higher education was important not only for higher education, but also for democracy in South Africa. She wished participants a fruitful and stimulating discussion.</p>
3.2	<p><b>Questions and Comments on the Terms of Reference</b></p> <p><b>Prof Rose September, UWC</b></p> <p>Prof September said that Judith February had referred to academia and civil society as key constituencies in the investigation. She asked whether the Task Team had planned similar fora with government and policy makers as well.</p> <p><b>Ms Judith February</b></p> <p>Ms February responded that the HEIAAF process was structured to be inclusive: regional fora were open to everyone, the Task Team was holding meetings with key constituency</p>

	groups, and submissions had been invited from all stakeholders.
4.	<b>Keynote Address</b> Prof Martin Hall, Deputy Vice-Chancellor, University of Cape Town
4.1	<p>Prof Hall noted that what he had to say originated with the University of Cape Town (UCT) submission to the HEIAAF Task Team; therefore, thanks to his colleagues were due. He would seek to generalise to some extent, but was not speaking on behalf of all institutions.</p> <p><i>The full text of Prof Hall's paper is available at <a href="http://www.che.ac.za/documents/d000115/Academic_Freedom_Hall_2006.pdf">http://www.che.ac.za/documents/d000115/Academic_Freedom_Hall_2006.pdf</a> In sum, Prof Hall made the following points:</i></p> <p>Two interrelated, but distinct, traditions of academic freedom could be identified: these were the 'classic' and the 'contextual' views.</p> <p>The classic interpretation – that academic freedom and institutional autonomy are indissoluble - rested on the work of TB Davie in the 1950s, and continued to be prominently advocated in South Africa, notably by John Higgins. Higgins's core argument is that post-apartheid governments have failed those they represent by failing to preserve the conditions necessary for free thought and expression.</p> <p>The contextual interpretation of academic freedom was drawn from the same sources in liberal philosophy and thought, but allows that the nature of state and university change with political circumstances. In this view, the freedoms of intellectual life are not automatically associated with the independence of the university as an institution: academic freedom and institutional autonomy are related, but distinct concepts. This reading is best seen in the work of André du Toit. He argues that the classic view is unsuited to contemporary challenges in South African higher education, which include increasing pressures for academic accountability and the impact of managerialism. By decoupling academic freedom from institutional autonomy, du Toit opens up a space for discussing the ethical issue of the appropriate balance between the right to academic freedom, and the responsibilities it carries. The contextual view allows that the state has a legitimate interest in the internal affairs of the university, in the interests of such public goods as economic development and social justice.</p> <p>The work of Martin Hall and Ashley Symes had built on the contextual approach, advancing the concept of 'conditional autonomy' as allowing both for the procedural role of the state in ensuring the effective use of public money and the substantive rights of higher education institutions to academic freedom in teaching and research. In their view, the key test is legitimacy: after 1994, shifts in governance arrangements, that in turn frame policies for increasing equitable participation in higher education and for achieving outputs considered appropriate for a developing economy, reflect an interpretation of the appropriate relationship between the state and individual institutions. They argue that accepting conditional autonomy is an effective defence of academic freedom, as it distinguishes the procedural framework of the state (legitimate, overarching accountability for the disbursement of public funds and for the authentication of academic qualifications), from the substantive content of research, teaching and social responsiveness.</p> <p>Academic freedom had not been defended or advanced at UCT with the same vigour a decade into democracy as it had been when the liberal university was at loggerheads with the apartheid state. One reason must be the active participation of prominent</p>

	<p>scholars from UCT in framing policies and legislation (including the Constitution) for the democratic order.</p> <p>There were, however, indications that issues around academic freedom and institutional autonomy are taking a new form at UCT, shaped by questions of institutional transformation. Recent discussion had been prompted by specific issues that raised general principles. In 2005, UCT's Academic Freedom Committee resolved that unfounded charges of racism against academic staff are a threat to the free exchange of ideas, and urged members of the university community who are witness to such charges to lodge a complaint. This was contested by Leslie London and the Academics' Association who believed the call pre-empted attempts to establish a more effective racial harassment mechanism on campus. The ensuing debate has taken forward what du Toit refers to as the republican principle of free speech: the obligation to speak out to promote the public good, and to insist that the right of academic freedom cannot be claimed without taking account of the internal circumstances of the academy. The pursuit of truth and the free expression of ideas can only advance if the university is a space free of unfair discrimination.</p> <p>In looking to the future, a key challenge would be the 'rhetoric of participation': how can controversial issues be argued without being foreclosed by the form the debate takes? In this respect, the relationship between academic freedom and freedom of speech within the university was far from resolved. There is continuity between the position taken in the mid-1980s, when UCT's Senate resolved, in the cause of academic freedom, to limit the freedom of speech (through disciplinary action) of those within the university who advocated the academic boycott; and the current debate, where the Academic Freedom Committee has proposed constraints on those who may use their freedom of speech to allege racism.</p>
5.	<p><b>Discussant</b> Prof Yusef Waghid, Professor of Philosophy of Education, Stellenbosch University</p>
5.1	<p><i>The full text of Prof Waghid's paper is available at <a href="http://www.che.ac.za/documents/d000115/Acad_Freedom_Response_Waghid_2006.pdf">http://www.che.ac.za/documents/d000115/Acad_Freedom_Response_Waghid_2006.pdf</a>.</i> In sum, Prof Waghid made the following points:</p> <ul style="list-style-type: none"> <li>• Martin Hall's essay offered a useful avenue for exploring the issues, and the classic versus contextual distinction also offered some pathways.</li> <li>• Surprising was his seemingly uncritical treatment of prominent positions: he had left the argument truncated and therefore raised some troubling issues.</li> <li>• First, in elucidating the classic view (as elaborated by Higgins), Martin Hall did not explore whether the idea of a market-driven university necessarily erodes the task of the university to achieve critical and participatory democracy: does the university in practice abandon this task if it is dictated to by a neo-liberal agenda? Prof Waghid contended that the university does not have to abandon this if steered by the market. If higher education is considered as a public good and as developing critical citizenship (which are in fact neo-liberal concerns), then meeting the needs of the market has to be done in a deliberative way, involving academics and students.</li> <li>• Second, in elucidating the contextual view (as elaborated by du Toit), Martin Hall emphasised that academics and students have a duty to speak their mind without fear of consequences. But it was important to be critical of the republican ideal: freedom of speech cannot be unconditional. Martin Hall's mind experiment itself could be used to show this: unfettered freedom of speech cannot be condoned when the freedoms of others are infringed (i.e. discrimination against vulnerable individuals who lack the same expressive freedoms).</li> </ul>

	<ul style="list-style-type: none"> <li>• Third, the work by Martin Hall and Ashley Symes cogently advanced argument for conditional autonomy and was refreshing in recognising the procedural role of the state. This view could potentially minimise state control at the level of HEIs. Yet Prof Waghid asked: can the substantive autonomy that institutions are permitted to assert be unconditional? Contestation of programme offerings by the state might be belligerent on occasion, yet there is a justifiable case to ensure HEIs sustain standards of scholarship. The question was therefore: to what extent should HEIs be conditioned by the procedural power of the state?</li> <li>• Martin Hall claimed that those subjected to racism should be allowed to speak out uncurtailed. However, those accused of racism should be allowed similar freedoms to preclude closure of debate.</li> </ul>
6.	<b>Open Discussion (Questions to the Speakers)</b>
6.1	<p><b>Prof Doug Blackmur, UWC</b></p> <p>Prof Blackmur said that, although Judith February had referred to a broad-ranging HEIAAF Task Team enquiry, he was concerned to know where, for example, trade union and business voices, would be heard. He was concerned about the higher education community talking 'to itself'.</p> <p>He said that one should keep in mind that academic freedom is explicitly protected in the South African Constitution. Yet the 1997 Higher Education Act and subsequent regulations made it necessary to examine government involvement in higher education, institutional autonomy and academic freedom. In his view, all the Task Team had to do was to look at the postgraduate programmes regulatory model, to see a reduction in institutional autonomy. Using the Master of Business Administration (MBA) programme as an example, he argued that the CHE had undermined academic freedom in a variety of ways (e.g. in requiring that all MBA theses use action research methodology, and that all MBA programmes have a 50% research thesis component in contrast to international practice).</p> <p><b>Ms Judith February</b></p> <p>Ms February responded to Prof Blackmur's concern about the lack of business and trade union voices in the investigation, saying that invitations for submissions and invitations to the regional fora had been sent out broadly. She endorsed the need for a broad-ranging discussion.</p> <p><b>Ms Ashley Symes</b></p> <p>Responding to Prof Blackmur in her capacity as Research Co-ordinator for the HEIAAF Task Team, Ms Symes said that membership of the Task Team had been raised as a concern in another regional forum. She noted that, in her understanding, CHE Task Teams in general were not constituted as representative structures, but were composed of individuals who were experts and were held in high regard. Members had been appointed by the CHE in their individual capacities, to oversee a process designed to involve a wide range of stakeholders. The Task Team had received submissions from trade unions, and had held meetings with student leaders, DoE representatives and HEQC representatives, amongst others. The Task Team sought to build an inclusive process.</p> <p>Ms Symes further noted that a number of submissions to the Task Team had raised issues around CHE or HEQC interference.</p>

	<p><b>Prof Theresa Barnes, UWC</b></p> <p>Prof Barnes said that Ashley Symes’s response that Task Team members were selected by the CHE as experts was not really adequate, as it implied that people in other sectors were not experts.</p> <p><b>Prof Martin Hall</b></p> <p>Prof Hall said that questions raised by Prof Blackmur and Prof Waghid about regulation of postgraduate programmes could be used to test the limit of substantive autonomy. He argued that the state has a legitimate role to play in the regulation of qualifications, else the field is open to fraud. The question was: does the state go too far in interpreting what an MBA should be; should it limit itself to whether the qualification is credible?</p> <p><b>Prof Doug Blackmur, UWC</b></p> <p>Prof Blackmur argued that fraud by higher education providers should be covered by the law of fraud, not by state intervention in higher education.</p> <p><b>Ms Marianne Feenstra, UCT</b></p> <p>Responding to Prof Blackmur’s concerns about the structuring of the MBA, Ms Feenstra questioned the relationship between the CHE and the South African Qualifications Authority (SAQA). She noted that SAQA had in the previous year put out a proposed [generic] PhD for comment, which took away the 50% research thesis component. However, nothing had been put back into the public domain about this qualification and it had not been tabled for registration. She asked in what way the CHE referred to SAQA, and whether it accepted SAQA’s regulations.</p> <p><b>Dr James Leatt</b></p> <p>Dr Leatt noted that the CHE and SAQA are two separate bodies constituted under legislation, with their relationship linked to their functions.</p> <p><b>Prof Doug Blackmur, UWC</b></p> <p>Prof Blackmur expressed a concern that there was no member of CHE leadership present to give an answer to the query. He gave his view that SAQA organises the National Qualifications Framework (NQF), while the CHE has no authority over that. He noted that the CHE undertook its MBA review in the absence of a Master’s qualification defined by SAQA.</p>
6.2	<p><b>Dr Beverley Thaver, UWC</b></p> <p>Dr Thaver said that Prof Hall’s paper seemed to focus on what happened under apartheid and after. She argued the need for the Task Team investigation to analyse the continuities and discontinuities in three periods of history, including the period of colonialism.</p> <p>She argued that although we tend to treat universities as somewhat special institutions, responsible for promoting critical scholarship, they are a part of a social sector and subject to the same imperatives that permeate the rest of our society. This view opposed the classical, or ‘ivory tower’, notion of higher education.</p>

	<p>She questioned speakers who marshalled arguments invoking the 1996 National Commission on Higher Education (NCHE) and the 1997 Higher Education Act, as if these constituted an attack on academic freedom. In her view, the NCHE is actually quite tame. Panic about 'attacks' on academic freedom masked the institutional practices that are <i>malpractices</i>; institutions hide behind institutional autonomy and academic freedom, while questionable practices remain.</p> <p>Dr Thaver referred to the instance of foreign providers with small numbers of students in their home countries, setting up and marketing their programmes in developing countries. She questioned whether government should refrain from intervening in such an instance, in the name of academic freedom.</p>
6.3	<p><b>Prof Johan Muller, UCT</b></p> <p>Prof Muller said he had been puzzled that the speakers approached the state-sector relationship in a normative way in their inputs; yet, from the guide questions provided to the forum, this was apparently how the CHE itself had framed things. He asked: should we not be looking at the state-sector relationship more empirically and analytically (what is it? rather than: what <i>should</i> it be?)?</p> <p>He argued that Martin Hall and Yusef Waghid essentially agreed in a normative sense, on the question of a notional 'midway' in the practice of institutional autonomy. Indeed, in an ideal world, there would be a proper balance in the state-sector relationship; but, in the real world, this relationship is regulated by a pact that can shift one way or the other, depending on the degree of legitimacy the higher education system has. So the question one needed to ask was: has higher education lost its legitimacy in the eyes of government? The Presidency and Treasury had given signals in recent months that they do not trust the higher education sector to produce the skilled people South Africa needs. These were the authorities making allocations, meaning: if they have lost faith, the sector cannot aim for the midpoint - because it has already shifted. The balance of the relationship seemed set to shift either in favour of the market, or in the direction of tighter regulation of higher education.</p> <p>Prof Muller said that he did not blame the CHE for looking at the state-sector relationship in a normative way. It was true that a pact (in the form of the 1997 White Paper) had earlier emerged as a result of particular social and political forces. However, it was critical to examine the status and functioning of the pact now.</p> <p><b>Prof Yusef Waghid</b></p> <p>Prof Waghid responded to Prof Muller's question as to whether the state currently constituted a threat. He said that examination of the agency of the state was crucial. He noted, for example, the HEQC's approach of using academics from HEIs on its panels, in order to pass professional judgement on academic programmes. In this case, the state could argue that it posed no threat to higher education, because the quality assurance process used institutional members to evaluate programmes offered by HEIs. Martin Hall had also referred to the cooption of certain academics to the policy-making process, leading to their silence in some key debates.</p> <p>Yet the state might indeed be a threat to higher education when it opted to call African academics together in a Native Club, on the basis that previously marginalised voices must be put centre stage in debates to reposition South African higher education, to the exclusion of 'settler academics'.</p> <p>Thus, in Prof Waghid's view, state responses to higher education in practice had to be</p>



	treated on a continuum (even though, normatively, idealists might wish to take a view that not even the neo-liberal agenda posed a threat to higher education!).
6.4	<p><b>Mr Bonakele Jacobs, South African Students' Congress (SASCO)</b></p> <p>Mr Jacobs said that SASCO had agreed with conditional autonomy as a conceptual approach. While academic freedom is enshrined in the Constitution, government had to intervene where institutions used institutional autonomy as an excuse for poor governance arrangements (e.g. an ineffectual institutional forum, no student services council) and for fee structures that effectively precluded access.</p> <p>He argued that institutional autonomy is distinct from academic freedom, and to that extent is a privilege. He commented that, while government has a responsibility to act at a macro-level in general, it must have recourse to intervene in specific instances of poor governance and management.</p> <p>He questioned who should be responsible for determining what the labour market needs, and whether government was interfering with institutional autonomy if it set out to do this? What should happen, for example, where an institution offered programmes that in no way addressed the needs of its community?</p>
7.	<b>Structured Discussion</b>
7.1	<p>The Chairperson suggested a framework of questions for the structured discussion:</p> <ul style="list-style-type: none"> <li>• What are the appropriate nature and modes of government involvement in higher education?</li> <li>• What are the appropriate relationships between government (and other bodies with HE regulatory functions) and higher education institutions?</li> <li>• What are appropriate conceptions of institutional autonomy, academic freedom and public accountability, in general and in the specific context of South Africa and higher education transformation?</li> </ul> <p>As Prof Johan Muller had earlier remarked that these questions focused attention only normatively, it was agreed that discussion should include empirical perspectives also.</p> <p><b>Dr Kristina Bentley, Human Sciences Research Council (HSRC)</b></p> <p>Dr Bentley proposed that the discussion start with the third question, which underpinned the other two.</p> <p><b>Prof Lionel Slammert, Cape Peninsula University of Technology (CPUT)</b></p> <p>Prof Slammert argued that discussion of institutional autonomy and academic freedom tended to be based on an assumption that HEIs are competent and capable. Yet, if one looked around the country and at how institutions are functioning in our society, one could find very serious problems of governance, management and delivery. It was necessary to formulate an intervention appropriate to creating capable HEIs, especially given that the higher education sector experienced problems with the approach of the DoE, the CHE and others.</p> <p><b>Prof Theresa Barnes, UWC</b></p> <p>Prof Barnes said that she was reminded of an insight given by Terence Ranger in a TB</p>

Davie lecture when referring to experiences in the Universities of Rhodesia and Dar-es-Salaam: academic freedom is not something to be claimed, but something to be exercised. If it were measurable, one would measure it through the depth and level of public debate. Thus, instead of heading down the conceptual/normative route, it was important to ask questions about what academic freedom is in practice. This would lead one to look at the conditions and enabling mechanisms that obtain for academics, labour unions, student societies and others, to exercise academic freedom.

**Prof Tim Dunne, UCT**

Prof Dunne said that speakers were going at a tangent to the issues under discussion, when they implied that HEIs were failing to deliver what society required, both in their internal functioning, and in terms of the needs of the country. He argued that, if there is incompetence in HEIs, then they certainly do not have the monopoly on incompetence. Speakers were using a culpability, rather than a responsibility, argument and disputation would not empower people to make a difference. In his view, the challenge was for HEIs to be 'a fulcrum of compassion' in society. There should be a dialogue of co-responsibility and mutual accountability between the state and HEIs, to promote the proper exercise of higher education purposes and functions. It was not helpful to focus on the accountability of HEIs without making the debate co-reflective: government funds HEIs and has devices for holding them accountable, but remains itself accountable.

**Prof Rose September, UWC**

Prof September asked why the CHE was asking these questions, at this point in time. The questions were presumably being asked in the particular context of the transformation project of South Africa. A previous speaker had asked why HEIs should be seen as untouchable, and Prof September argued that academic freedom and freedom of speech are the rights of every South African. She questioned why HEIs resisted government intervention and asked: what special space do they seek? In her view, the debate had to be argued both ways, or risk being a defensive one. HEIs had to engage government on a one-to-one basis, in order to develop a mutual language.

**Dr Jim Leatt**

Dr Leatt asked at what point one should one cry wolf over state interference in universities in South Africa, and, at what point HEIs should be challenged in their practices.

**Mr Bheki Hadebe, SASCO/UWC**

Mr Hadebe argued against using the word 'appropriate' in examining relationships between government and HEIs, saying that HEIs and the sector more broadly have different constituencies who have different conceptions of appropriateness. For example, government as one constituency might have different views on 'appropriate' gender and race balances, from the views of a particular institution. Students might say that greater government involvement was 'appropriate', whilst management might not.

**Prof Doug Blackmur, UWC**

Prof Blackmur argued that South Africans have adopted uncritically an edifice of regulation in structures such as CHE, SAQA and Sectoral Education and Training Authorities (SETAs), while the country is not meeting the basic needs of its people. It was difficult to justify expenditure on such an edifice.

	<p>He noted that the three questions at the centre of the Task Team investigation talked about transformation. This raised a question: do we need a higher education Charter for Transformation? On this basis, academics and institutions might regulate themselves through promoting ethical principles and practices, rather than doing things that tended to invite state intervention, or to abuse particular privileges (e.g. academic moonlighting).</p> <p><b>Unknown speaker</b></p> <p>The speaker said that it was important to consider the difference between the idealist discourses of policy, and the kinds of practices in context mentioned by Jo Muller and Tim Dunne. An ideal set of circumstances could not be assumed by anybody, and circumstances were in reality far from ideal (e.g. poverty). The discourses of policy might allow a 'saintly' government to wave a finger at the sector, yet that would be a misconception of government's role. Co-responsibility had to be taken further (e.g. accusations against higher education take no account of the schooling system, and its deficiencies).</p> <p><b>Dr Beverley Thaver, UWC</b></p> <p>Dr Thaver agreed with the previous speaker, saying that the Task Team needed to take account of the relationship between higher education and the needs of South African society, not to treat the questions abstractly.</p> <p><b>Prof Johan Muller, UCT</b></p> <p>Prof Muller argued that government does not simply 'wave a finger'. He spoke of the notion of 'capillary power' that comes into play when government does not trust HEIs to carry out their core functions of teaching and learning, research and community service. As an example, the National Research Foundation (NRF) may no longer believe that it can trust academics to use research funds correctly; so, it puts in place all kinds of hoops and research dries up (contributing to a proliferation of unpublished consultancy research and dwindling basic research in South African higher education). Prof Muller asked at what point we should become alarmed by certain agencies' pushing their role beyond the point of appropriateness.</p> <p><b>Mr Zukisani Situnda, CPUT</b></p> <p>Mr Situnda argued that government and the higher education sector should sit down and define the rules of engagement. Public institutions remain national assets and government should therefore take direction, with necessary checks and balances. Government should monitor transformation and intervene where necessary, while HEIs should improve accountability.</p> <p>It would be important for HEIs to start forums for engagement between management and students. Students as a group were not always aware of the debates taking place.</p> <p><b>Prof Yusef Waghid</b></p> <p>In response to a request for the speakers' papers, Prof Waghid said that these two inputs would be submitted to the South African Journal of Higher Education for publication.</p> <p>It was noted that papers from all the regional fora would be posted on the CHE website.</p>
8.	<b>Closure by the Chairperson</b>

8.1	<p>The Chairperson noted that a range of important comments, cue words and ideas had emerged for noting by the Task Team, and for incorporation into the debate.</p> <p>He endorsed the idea that it was important to encourage robust debate on campuses.</p> <p>He commented that South Africa desperately needs government-higher education dialogue to generate a proximate compact.</p> <p>He thanked the CHE for providing the opportunity for debate, thanked UWC for hosting the forum, thanked the speakers, and thanked delegates for their participation.</p> <p>The Chairperson closed the meeting at 17h50.</p>