

Sarua 2012

A SA perspective of the regulatory
environment

SA pre-1918

- ◆ 1873 UCGH established by law as an examining UNIVERSITY empowered to award degrees;
- ◆ Royal CHARTER which recognised these degrees throughout the empire, granted by Queen Victoria

Early forms of regulation

- Guilds: Bologna, Paris and the ancient English Universities;
- Papal control: the role of the Chancellor to ensure orthodoxy;
- Degrees as licences (cf some remaining European terminology)

The laws of 1916/1918

- PARLIAMENT enacted three laws;
- Unisa created as a federal examining university; empowered to confer degrees;
- SA College and the Victoria College incorporated into UCT and US respectively, and empowered each to award degrees;
- The concept of a national (university-controlled) matriculation examination set so that without this a University would not admit/could not admit a candidate to degree studies

1916/1918

- The idea of a charter no longer seen as needed though it had been assumed in 1904;
- Professional licensing bodies continued to exist alongside: eg the Board for the recognition of exams in Law (not yet a graduate entry profession)

1955 and 1959

- Universities Act of 1955;
- Extension of University Education Act of 1959;
- Private Acts for each of the 11;
- Public measures for the “State Universities”
- No concept of, or regulation of, “Private Universities”;
- Regulations under the 1955 Act;
- Statutes and Joint Statutes

Elements of the regulatory environment in the post 1955 era

- Ministerial control exercised at a detailed level;
- Public expenditure the determinant;
- Subject to Ministerial control: permanent posts (prior to admission to the pension fund);
- Salary scales set by the Minister of Education for academic grades (Viljoen, 1985);
- Departments (unless wholly endowed by benefaction) and faculties;

1955 continues

- Yet significant measures of operational autonomy;
- This increased significantly so that by mid 1980s the *operational* autonomy of SA universities was the envy of W German or UK universities

1959: Extension of University Education Act

- Defined universities as being for race groups;
- Took away the right to admit, giving to the Ministers (of BAD, CAD and Indian Relations the power to grant or withhold a permit;
- No law: but post Mafeje, the threat of legislation (and the effect of other non-university related legislation) limited appointments in the white universities (no similar limitation in the state universities);
- *Increasing political* regulation

The H E Act of 1997

- Minister's role defined: power to set policy for sector
- Advisory Body: CHE and the HEQC;
- Public HEIs and how they must be regulated: minimum requirements;
- Private HEIs and how they are to be regulated;
- Each public HEI to have an Institutional Statute, subject to and in conformity with the provisions of the H E Act

Public HEIs under the 1997 Act

- Governance requirements;
- Financial autonomy provided for but limits (introduced by subsequent amendments to the Act) protecting the State's exposure on the assets of the HEI;
- The role of the CHE and the HEQC
- The Passage of the SAQA Act;
- The anomalous role of the MB and the NSC regulations: alternative entry routes

Administrators & Assessors

- The H E Act allows the Minister, in defined circumstances
 - A) to appoint an “assessor”; and/or
 - B) Appoint an administrator to take over (i) governance and/or (i) executive roles

The PQM and the HEQF

- The PQM: What is it?
- The PQM as a control measure (cf 1955:)
- The HEQF as a sub-framework of the NQF;
- The approval (DHET) accreditation (CHE/HEQC) and registration (SAQA) process
- The roles of the QCs: the CHE/HEQC; the GENFETQA (Umalusi); and the QC for Trades & Occupations

The Joint Statute under the 1955 Act

- Conduct Certificates: purpose and problems;
- Minimum periods of attendance: redundant (?) in the light of the HEQF;
- Recognition of credits (cf the concept of CAT as envisaged by the NQF)
- The future of the Joint Statute

Enrolment Planning and funding

- Pre 1974 and AC Cilliers: planned and predetermined
- Van Wyk de Vries and headcount subsidy from 1974: a free-for-all environment (cf Commerce enrolment at UCT and the 1st enrolment capping exercise);
- SAPSE funding $\frac{1}{2}$ E + $\frac{1}{2}$ P and research outputs
- Funding frameworks based on enrolment planning inputs & outputs

Enrolment Planning

- Capped subsidy
- Unfunded growth
- Funded despite not reaching enrolment targets
- A new regime

S 37 of the HE Act

- Admissions policy must make provision for redress;
- Powers of Councils and Senates in admissions matters regulated

S 65 and 66 of the H E Act of 1997

- Power to confer degrees limited;
- Offences for conferring degrees or holding out to be a University unless a proclaimed public HEI or a registered private HEI;
- To be seen together with the HEQC's role in accrediting HEIs

The regulatory influence of professional bodies

- Examples : HPCSA; ECSA; SAICA: Council for the Natural Sciences;
- Protecting the public;
- Acting as guilds or professional trade unions to limit entry into the profession and thus protecting the economic interests of members;
- Setting minimum standards and exams
- Accrediting qualifications at SA universities

SARUA 2012

The (changing and changed)
role of the Registrar
in a SA University

Models past and present

- Two traditions: the dual and the unitary;
- This has changed over the past 30 years largely because the rise of professional
- A) HR
- B) Financial management;
- C) Estates;
- PR & Communication;
- ICTS

Career tracks: who becomes a registrar

- In SA:
- In the English medium Universities registrars were historically recruited from career administrators; in the Afrikaans and State Universities from academic or librarian ranks

The VC/Registrar relationship and how
it defines the latter's role

The Company Secretary role (1)

The Company Secretary role (2)

The Civil Servant role and the idea that
a registrar is a manager

The keeper of the record: the
“registry”

The student as a customer

The academic as “an employee”

The Registrar as an entrepreneur

How powerful is the role?

Future changes to the role

