What University Autonomy? A Case Study in the Death of Quality Control

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Introduction

There is no doubt that the autonomy of South African Universities is not what it used to be. While academic freedom is protected in our Constitution[1] and University autonomy is protected through the law,[2] from the moment the post-1994 Government put its Higher Education Act in place in 1997, Universities became subject to a creeping movement towards ever greater government interference. The new Act entailed the annulment of all the original Acts through which Universities were individually formed as legal entities, and placed them together under one, comprehensive new legal framework, thus removing full legal autonomy in an instant. Subsequent major and minor amendments to the Act and its associated documents have been many (9 amendments, and hundreds of changes to the regulations) and most of these have entailed greater say by Government over what goes on inside our Universities. Today, Government hardly blinks an eye when it tells Universities what to do, how to do it and what the penalty will be if they don't comply. This assertive and interfering behaviour by Government is becoming increasingly treated as a matter of course. And behind the flurry, important things are happening to the University sector, which warrant closer attention.

The question of quality in Universities provides a case study through which to understand the significance of these developments. It is the *sine qua non* of the respectable university that it is responsible for its own quality control, via the use of external examining systems, tenure systems and the like, and that the state should provide guidance, but not interference, in these matters. Thus the management of quality is a prime example of University autonomy. Direct state intervention in this would in many parts of the world be regarded with considerable concern.

Quality Control in SA – Guiding Principles

When, after 1994, it became clear that the state wished to play a far more interventionist role in the system this was at first tempered, and weight was given to the desire of Universities to manage themselves. Universities had a say in the content of the original Higher Education Act, and not only does its Preamble defend

academic freedom and university autonomy, but it also states that 'it is desirable' to 'respect and encourage democracy …. freedom of speech and expression, creativity, scholarship and research'. Significantly for our analysis here, it also states a desire to 'pursue excellence' and to 'contribute to the advancement of all forms of knowledge and scholarship in keeping with international standards of academic quality'.

When it came to designing a quality assurance system with the capacity to ensure that these latter goals were fulfilled, similar caution was indeed displayed. The drafters of the Act wished our Higher Education system to be excellent, but tried not to reach this goal through crass interference. By 2001 the new government had set up a comprehensive system to ensure that the quality of our higher education was protected and advanced. It was never perfect, but it was based upon international best practice, and included the creation of the Higher Education Quality Committee (HEQC) which was expected to oversee, investigate and correct lapses in the quality of the system. The HEQC's founding documents stated that its central objective was 'to ensure that providers effectively and efficiently deliver education, training, research and community service which are of high quality and which produce socially useful and enriching knowledge as well as a relevant range of graduate skills and competencies necessary for social and economic progress',[3] and that it would 'uphold the accountability requirements of higher education provision' and 'where necessary, expose and act against persistent and unchanging poor quality provision' while being 'committed to independence, objectivity, fairness and consistency in all its quality assurance activities' It also undertook to make 'appropriate audit and evaluation information' available in the public domain, subject to the agreement of the HEQC.

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So the HEQC was designed so that quality would be ensured, while both the autonomy and the academic freedom of Universities were protected from direct government interference. As was the case in Australia, the UK and elsewhere, the plan was for an intermediate 'buffer' body to be created, and to be shaped by the broad framework of the Higher Education Act and the specifics of the National Qualifications Framework. It would be managed by a semi-autonomous body with its own mandate, an independent board with significant university input, and a peer review methodology which meant that academics were themselves the evaluators of systems.

Universities and individual programme types were to be subjected to regular in-depth reviews of how they *themselves* evaluated what they taught, how they taught it, and how they performed in research and community outreach.

Early Hopes

Unusually for a quality control entity, this body was also charged with examining the 'transformation' of universities; but the responsibility for 'transformation' was to be placed upon the Universities themselves. What was meant by transformation was vague and indeed unfocussed, (as is perhaps always the case). But in its founding document the HEQC seemed to interpret the term in a broad, fairly enlightened manner, stating that it would 'develop a quality assurance framework that includes an explicit focus on the quality of teaching and learning activities, research and

community service in order to deepen and extend the process of higher education transformation'.

Based on these principles, the HEQC and its managing authority, the Council on Higher Education (CHE), spent its first years constructing an evaluation system which, while tedious to engage in for many academics, was managed relatively efficiently and effectively, with peer review at its heart.

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Within a few years of its establishment, the HEQC began an ambitious series of comprehensive evaluations of every University, using local and international peer reviewers from top institutions. The most encouraging part of these evaluations was that instead of directly evaluating every course in every university, the HEQC evaluated each University's own evaluation systems and sought to strengthen them, thus respecting the buffer role it had to fulfil. Reports on these evaluations were mainly cast in the spirit of constructive engagement. But they were also sometimes fairly tough, with stern recommendations made to the Institutions concerned, including raising questions on transformation, where appropriate. In turn, institutions were required to report on the actions they had taken to address issues pointed out in the report.

In addition, the HEQC undertook specific programme reviews of key, mainly professional, degrees starting with the MBA. Nine of the worst-performing MBAs lost their accreditation as a result. The HEQC had its critics, but in its first decade it had teeth and was prepared to bite.

Decline and Fall

The HEQC today is significantly weaker than it was in this initial phase. Like the Chapter 9 institutions set up to monitor government and to protect the constitution, the evaluation system in Higher Education has gradually been enfeebled. The society into which graduates are sent has no official guarantee from this body of the overall quality of the Universities they are attending, or the programmes being offered.

This is not as uniformly bad as it sounds. The better Universities continue to evaluate their own courses through internal quality systems such as External Examining, tenure rules and regular peer reviews of courses, programmes and schools. Individual courses registered in Universities are still required to conform to minimum standards through the National Qualifications Framework (NQF). Furthermore, many professional degrees, such as those in Engineering, Medicine, Nursing and others, are *sometimes* separately monitored and protected by their respective professional bodies. But none of these systems is by its nature able to do what the HEQC was designed to do. Self-evaluation by Universities is not consistently excellent in all institutions. The NQF minimum standards are just that – a minimum. It is not the NQF's job to look at broader issues of course delivery, overall coherence, contemporary relevance and the students' broader experience. And while professional bodies, at their best, operate more or less in the manner first adopted by the HEQC (programmes are vigorously peer reviewed, and de-accredited or suspended where appropriate) these bodies are very uneven in quality - the nursing profession, for example, does not appear to be properly regulated,

with numerous unregulated private colleges flourishing - and teaching is hardly monitored at all.

Furthermore, even the best professional bodies, such as those in Engineering, Architecture or Accounting, tend to represent the narrow interests of the industry or profession from which they come rather than the broader interests of the student and of the society as a whole. They will tend to favour more instrumental programmes and more conservative syllabi, and the narrowing down rather than broadening of course content; and will tend to be hostile to introducing interdisciplinary approaches, or comparative global thinking. A body such as the HEQC always has the potential to take the longer and broader societal view on these things.

Some think the problems of the institution emerged after 2006, when the then CEO of the Council for Higher Education (CHE), Saleem Badat, resigned to become the Vice-Chancellor of Rhodes University. According to interviews with former staff in the institution, as well as his statements in Parliament, the next CEO, Ahmed Essop, (once the adviser to Education Minister Kader Asmal) did not support the tough form of the evaluation system. He interpreted quality mainly as a matter of pass rates. The CHE ended up in the situation of being mandated legally to protect quality, but being run by a person who did not believe this was desirable or necessary except in the most mild and uncontroversial of forms. Quality control was replaced by 'quality enhancement', through which Universities were simply 'assisted' to improve their pass rates.

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Examples of the HEQC's inability to perform its proper function of protecting the public multiplied after this. Perhaps the most egregious is that of Teacher Education programmes. In the absence of a proper authority for evaluating teacher education by the profession itself (something which even the Department of Education has lamented, for example), the HEQC is perfectly positioned to make an important intervention into the poor training of teachers. We have recently been made particularly aware, as a result of a damning report by Nick Taylor, of the degree to which poor training of teachers damages the opportunities of learners.[4] The one thing that would help would be a proper evaluation of this by a body with sufficient authority to rectify poor performance.

And Teacher Education programmes throughout the country were indeed evaluated by the HEQC in an extensive exercise in 2006-7.

Some of these programmes were found to be weak and possibly incompetent. However by the peculiar logic used so often in South Africa, the Universities offering these programmes were somehow exempted from harsh action for political reasons[5] - being as they were in 'historically disadvantaged' institutions. In a betrayal of all that was intended in the setting up of a quality control system, the most mediocre programmes of all, producing the most execrable teachers of all, were allowed to continue training teachers, who in turn were allowed to inflict their inadequate training upon a new generation of pupils.

Instead these failing courses were placed upon an 'improvement programme'. However there is little evidence that this programme actually delivered any

improvement, or that it was followed up on. According to insiders, the HEQC, with the exit of staff and institutional memory, eventually lost interest in pursuing the matter. Thus the HEQC needs to take responsibility for at least some of the poor teaching which we see all around us and which afflicts our society.

In the earlier period of the HEQCs existence, in the case of the weak MBAs, programmes had been closed, as we saw above. Significantly, the de-accredited programmes were all in private institutions. No similarly harsh action has ever been taken against a course or programme run by a public institution.

The Cost of Ineffective Evaluation

Further problems in the HEQC emerged in 2008, when it began to evaluate the University of KwaZulu-Natal. At that time the University was headed by a controversial figure, Professor William M Makgoba. Rumours had long been emanating from the institution that it was being run in an authoritarian manner. Many unhappy academics had left the University over the years of Makgoba's Vice-Chancellorship, some of whom now occupy senior positions in other Universities throughout the country. In a recent Parliamentary Portfolio Committee meeting UKZN's Chair of Council Ms Phumla Mnganga said she believed that those who had left were 'hostile to transformation', but there is little evidence that this was indeed the cause of their departures. Interviews with several of the departed academics, as well as published work by them, indicate that authoritarian management, which is said to have included such unorthodox methods as spying on staff, was to blame.[6]

The interests of the public were certainly not protected and it could be argued that the HEQC was damaged, some might say corrupted, by the incident. Once the objects of scrutiny start being able to suppress the findings of those doing the scrutinising, the latter lose all credibility.

The draft HEQC report into the University, it appears, confirmed these rumours and was allegedly highly critical of the Vice Chancellor himself and his management. However the Vice-Chancellor objected to the draft report, arguing that it was biased against him, and that the Chair of the Review, Prof Martin Hall, was incapable of objectivity. Controversially the HEQC and the CHE agreed to quash the report.[7] To this day the review of UKZN has not been tabled.[8]

According to interviewees, the University was subjected to the alleged authoritarian system for a further five years, and the flight of top staff and students continued. Only now, with a new Vice Chancellor installed, might it start to recover.

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Since that date, no further University evaluations have been scheduled.

An Impotent End? The Death of Academic Freedom in South Africa

The HEQC, continued to decay. Its top staff left and it is now an organisation which, like so many failing government institutions, appears driven by the imperatives of pleasing the Minister and sustaining its own bureaucracy rather than those of performing its essential functions excellently and independently. It

remains to be seen whether the newly appointed CEO of the CHE, Prof Narend Baijnath, will revive the institution.

He may find it difficult because the decline of the HEQC suits government: it leaves a handy gap in the system of 'remote control' over universities, which government has long wished to render less 'remote' and more 'controlling'. While at first, the 'buffer' role intended for the CHE/HEQC was respected by Ministers, the current Minister, Blade Nzimande, has taken particular pleasure in extending his reach. One suspects he never really favoured the idea of University autonomy and is only too pleased to see its decay. Indeed he is busy extending his direct authority over University Councils themselves. Whereas in the earlier years after 1994, Ministers of Education (as they were then) took a moderate line on the legal provision for no fewer than five Ministerial appointees to be members of University Councils, and in most cases only three were appointed in consultation with the Universities themselves, Minister Nzimande has taken a hard line – if the law says five, then five it will be, and he is busy appointing the five nominees in all universities.

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Nzimande often reads the riot act to what he considers to be recalcitrant Universities. In August 2014 he, together with the President, called for Universities to become more 'patriotic'. He has become notorious amongst University Vice-Chancellors for adopting a bullying tone towards them. And whereas the University sector's transformation was originally intended to be handled by Universities themselves, through HEQC processes, it is now front and centre in government's own direct, often hectoring, engagement with Universities. Bodies such as the Parliamentary Portfolio Committee on Higher Education and Training collaborate with this creeping intervention, apparently oblivious of the significance of the Government's invasion into University matters. And the question of quality has almost vanished from the agenda.

Conclusion

The public discourse today is so filled with outrage at the multiple failures of Government that the shortcomings in University autonomy and independent quality control have passed most people by. Increasingly, Universities are considered to be simply another set of bureaucracies, much like High Schools or Vocational Colleges, which warrant close state control, monitoring and indeed direct management. Transformation is the only criterion by which they appear to be being measured these days. Furthermore, any mention in the public arena, let alone Government circles, of quality control, or of the concept of University autonomy is met with bafflement at best, and downright hostility at worst.

Universities themselves remain largely silent on these matters. Perhaps the crushing of the original vision of quality control, and its substitution by an overwhelming concern with other matters as well as by crude government interference, have barely been noticed by Universities themselves, cowed and bullied as they are. But they cannot be ignored by enlightened intellectuals. They present a danger to the very concept of a university and its capacity to offer to the society a freely conceptualised vision of itself and its future.

FOOTNOTES

1 An achievement for which the late Professor Etienne Mureinik, who participated in the Constitutional negotiations and ensured its insertion, deserves the thanks of every academic in the country
2 The Higher Education Act of 1997 preamble vows to 'respect and encourage …academic freedom'.
3 HEQC Founding Document, Pretoria 2001
4 Nick Taylor, 'An examination of aspects of initial teacher education curricula at five Higher Education institutions', report of the The Initial Teacher Education Research Project, Joint Education Trust (JET) August 2014
5 This was confirmed by CHE representatives themselves in a Higher Education Portfolio Committee meeting in April 2015
6 For a published version of the Makgoba years, as perceived by two members of the UKZN faculty at the time, see the book: Nithaya Chetty and Christopher Merrett, The Struggle for the Soul of a South African University, Self-published, September 2014
7 For a critical view of these events see Martin Hall, 'Varsity's voices of dissent gagged', Mail and Guardian, 14-1-2011; for the HEQC/CHE view of the same events see Ahmed Essop, 'CHE panel acted with integrity', Mail and Guardian 21-02-2011.
8 The HEQC report on UKZN, or at least a draft thereof, remains in the HEQC archives, but attempts to obtain it have been unsuccessful. Several Parliamentary questions to the Department and to the CHE and the use of the Public Access to Information Act have been rebuffed