


Session 4A

University governance

(Council, Senate)



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Learning objectives

By the end of this session the participants will be able to:

- 1. Explain that, regardless of type, the university as an entity is a separate juristic person which status is created by the Higher Education Act, No.101 of 1997.**
- 2. Differentiate between the terms “governance”, “ethics management”, and “management”.**
- 3. Understand the constitutional rights pertaining to higher education.**
- 4. Describe the leadership and oversight roles, focus areas and functions of Council.**
- 5. Describe the governance and management role and functions of Senate.**
- 6. Explain the pillars of governance and responsibility to stakeholders that councils must exercise**
- 7. Describe the elements of good governance.**

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What is governance?

“Governance is all about preventing good people from doing stupid things...”

Prof. Deon Rossouw
CEO



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Governance Structuring



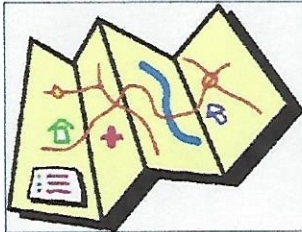
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- **Governance = direction + control**
 - **Direction:** strategic plans and objectives
 - **Control:** oversight and evaluation
- **“Ethics can’t manage themselves” they require:**
 - Structures; and
 - People with competence in ethics

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“Roadmap”



- Values and ethics
- Commitment / dedication of council and leadership
- Governance structures
- Ethics management systems and processes

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Constitutional values

Chapter 1: Values (an excerpt)

The Republic of South Africa is one sovereign, democratic state founded on the following values:

- human dignity, equality, advancement of human rights and freedoms;
- non-racialism and non-sexism;
- the Constitution will be supreme;
- the rule of law will be supreme...



"Don't listen to him... He's a socialist."

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Constitutional rights

Chapter 2: Bill of Rights (27 including the 7 below)

Included in the Constitution largely to protect them.

Entrenched Rights

- **Equality** of race, colour, ethnic or social origin, sex, religion, & language;
- **Human dignity**;
- **Life**;
- **Freedom and security of the person** [1(d), 1(e) & 2(c)];
- **No subjection to slavery or servitude**;
- **Children's rights** – in 4 sub-sections;
- **Arrested, detained & accused persons** – in 7 sub-sections.

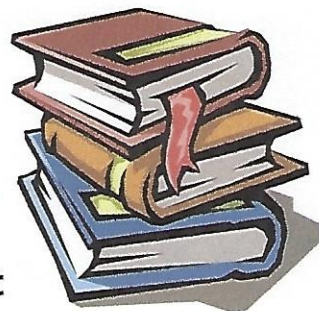


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Constitutional Bill of Rights: Education (Section 29)

- 1) Everyone has the right –
 - a) to a **basic** education, including adult basic education; and
 - b) to **further** education, which the state, through reasonable measures, must make progressively available and accessible.

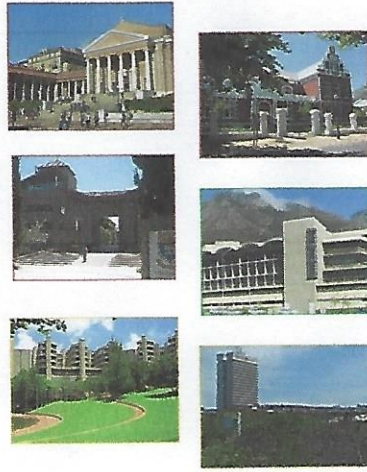


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Universities and HEIs

- ❑ The Higher Education Act, No. 101 of 1997 (HEA) describes a 'university' as an HEI providing undergraduate and postgraduate programmes, research and community engagement
- ❑ There are public and private universities, which include three types:
 - Traditional
 - Technology
 - Comprehensive




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HEI as a Legal Persona

- Section 20(4) of the HE Act defines each university as a *juristic person*
- What are the implications?
 - Each has an independent existence / separate entity
 - Legal rights comparable to an adult -
 - Owns assets / creates liabilities
 - Enters into contracts
 - May sue or be sued



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Leadership by University Council

Council's prime leadership role –

- Steers and sets strategic direction
- Approves policy and planning
- Oversees and monitors
- Ensures accountability



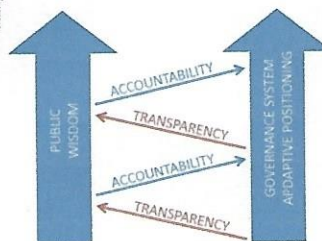
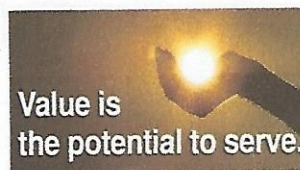
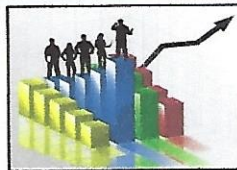
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Leadership by University Council

Critical focus areas for Council -

- Performance
- Value creation
- Sustainability and
- Transparency



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Council is Accountable



- **Accountable to learners and parents**
- **Donors / funders**
- **Community**
- **Act responsibly and responsibly towards all funders**
- **Take account of the legitimate interests and expectations of stakeholders**
- **Government**

What is Good Governance? Orea Info (3mins), Centre for Leadership Development, 2015
<https://www.youtube.com/watch?v=bTyE5BRuokU>

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Functions of Council - 1

- **Governs the University**
- **Determines institutional values after wide consensus-building consultation**
- **Sets the vision, mission, and long-term, medium-term & annual integrated strategic & action plans**
- **Appoints executive & senior management**
- **Ensures good management**
- **Has accountability for financial resources & institutional assets**



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Functions of Council - 2



- Ensures student access by approving & publishing Admission and Language policies
- Preserves institutional autonomy
- Responsible for monitoring
- Determines tuition fees
- Approves disciplinary guidelines
- Creates policy for a student support services advice structure

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Functions of Council - 3

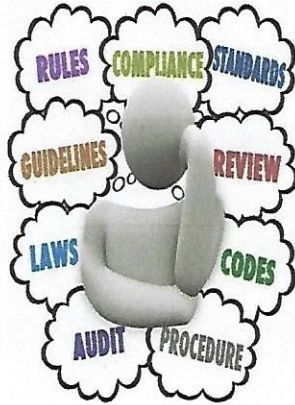
- Exercises fiduciary responsibilities
- Focuses on sustainability
- Determines conditions of service of staff
- Monitors human capital trends and determines employment parameters
- Deploys resources to create a positive academic atmosphere



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Functions of Council - 4



- Approves policies and their review cycles
- Approves institutional Rules
- Council *may* establish committees to perform appropriate functions
- Council determines and reviews the Delegation Framework for committees and employees
- Council must satisfy itself that records are kept of: its activities, all assets, liabilities, income, expenditure and other financial transactions - as determined by HE Act Sections 41(1) and for reporting in terms of Section 41(2).

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COUNCIL GOVERNANCE



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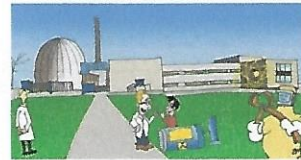
Leadership by University Senate

Senate's prime leadership role -



Michael Thompson eportfolio wdfiles.com
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- **Steers and sets strategic academic direction**
- **Approves academic policy and developments**
- **Oversees and monitors**
- **Ensures accountability of academic managers**



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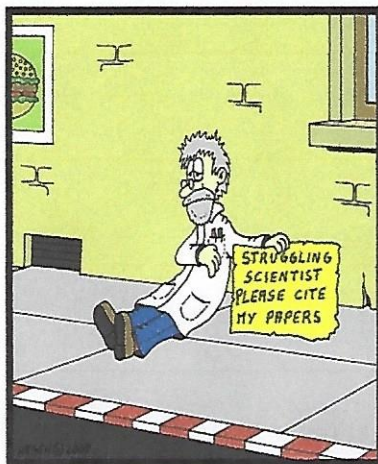


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Functions of Senate - 1




- **Provides academic leadership**
- **Accountable to Council**
- **Regulates teaching, learning, research, and community engagement**
- **Focuses on implementing university strategies**
- **Ensures good academic management**
- **Protects academic integrity in the university**

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Functions of Senate - 2




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- Debates matters of academic principle
- Approves new, and usually 35% or more amended, academic programmes, and name changes
- Recommends the University's Enrolment Management Plan To Council for submission to DHET
- Recommends academic rules for Council approval
- Supports desirable Honorary Degree conferrals for final approval by Council

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Functions of Senate - 3



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- Makes recommendations for senior academic appointments
- Approves and cyclically reviews academic policies and procedures
- Determines academic and research employee categories, and appointment and promotion criteria for Council approval
- Assists Council to meet public accountability principles for its academic responsibilities
- Protects academic freedom and academic autonomy

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