

The Culture of Governance in South African Public Higher Education

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The South African public higher education system is at a point of transition as the mould of segregation is broken through a process of mergers and incorporations. This paper reports a study of governance at this transitional stage. Using case studies of 12 institutions, representative of the system as a whole, four types of governance were identified, differentiated by the representivity of those participating in decision-making processes, organizational effectiveness and capacity for implementation of policies. Together, these governance types constitute organizational cultures with distinctive characteristics. While the current restructuring exercise is addressing some core problems, the culture of governance is more than a set of technical arrangements. The case studies show that governance practices are shaped by institutional histories and complex sets of interests that have a durability that might require more than legislation to change.

Introduction

In 1994, South Africa's first democratically elected government inherited a higher education system characterized by racial divisions and inequities. The country's 36 universities and technikons (technical colleges) had been intended, in the terms of apartheid's social engineering, to provide different and unequal educational opportunities across four major racial categories. Further distinctions had been drawn between English and Afrikaans media of instruction, and by ethnic division, with institutions founded to serve nominally independent "homelands" (Bunting, 2002; Cooper & Subotzky, 2001). Consideration of the most appropriate way to restructure this system started with the report of the National Commission on Higher Education (NCHE) in 1996 and the White Paper and Higher Education Act of the following year, and culminated in a National Plan for Higher Education in 2001 (NCHE, 1996;

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Department of Education, 1997; Republic of South Africa, 1997; National Plan, 2001). The Ministry of Education is committed to a restructuring exercise that will affect all institutions. Through a process of incorporations, mergers and closures, this process will reduce the number of universities and technikons to 22 (plus two National Institutes of Higher Education in provinces of South Africa hitherto not directly served by any public higher education institution).

As part of this process, the authors were commissioned to study higher education governance in South Africa by the national Council on Higher Education—a statutory body that advises the minister on the sector. We carried out 12 case studies—a third of the sector—choosing representatives of all types of institution. From this basis we identified four different types of governance, each of which combined international trends in higher education with the specific historical circumstances of South Africa (the full methodology is described in Hall, Symes & Luescher 2002). In this paper, we summarize the outcomes of this study. The result is an overview of a national higher education system at a fulcrum point of transition. Behind each category of governance is a half-century of legislated racial discrimination and the decade of transition that has marked South Africa's new democracy. Taken together, these different types of arrangement constitute a "culture of governance" that contributes, in a significant way, to the character of public higher education. Ahead is a new institutional landscape. There can be little doubt that many aspects of the past will be projected into the future, and that the established culture of governance will shape that future.

In framing our study, we found useful Marginson and Considine's (2000) definition of governance as "internal relationships, external relationships, and the intersection between them". Marginson and Considine see governance as occupying the pivotal position between the inner world of the university and the external environment, and stress the need for precision in identifying where policy is formulated and where accountabilities lie. In order to maintain this focus, we concentrated on the role of Councils, Senates, and of vice-chancellors and their Executives in translating governance policy into everyday actions. South Africa has a governance system that is broadly similar to that of Australia, Canada and the United Kingdom, with Councils that are nominally autonomous and comprise both lay members and representatives from within the institution, academic Senates, and vice-chancellors (or rectors) who have accountability to both bodies.

In addition, we looked at the role played by the Institutional Forum, a specifically South African governance institution representative of major groups of stakeholders, and created by the 1997 Higher Education Act in the spirit of South Africa's negotiated democratic settlement. The Institutional Forum comprises representatives of students, support staff, management, academic staff, Senate and Council, and in terms of the Higher Education Act, may include external stakeholders as well. It has its origins in the Broad Transformation Forums which characterized South African public higher edu-

cation institutions of the early 1990s and which were intended to give legitimacy to institutional decision making. The Institutional Forum has no decision-making power of its own but has a key role to play in advising Council on issues related to the transformation of higher education and affecting the institution. These include the implementation of national policy, the selection of senior management candidates, and race and gender equity policies. The Institutional Forum aims to establish an inclusive institutional culture that “promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, learning and research” (HE Act, 1997, Section 31).

The set of 12 institutions was chosen to be as representative as possible of the diversity in South African public higher education, taking into account the double historical divide of language and segregation by race, as well as geographical location: four small technikons and three small universities (each with fewer than 10,000 students), three medium universities with between 10,000 and 20,000 students, and two large universities (each with more than 20,000 students). In each case, Senate, Council and Institutional Forum agendas and minutes were analysed, as well as other planning and policy documents of relevance. Each institution was visited and representatives from key constituencies interviewed.

Analysing and categorizing these case studies required benchmarks for the desired qualities of governance, and criteria for determining the extent to which an individual institution met these requirements. We derived benchmarks for the desired quality of governance from the 1997 White Paper—the current policy framework for public higher education in South Africa.

First, the White Paper requires governance to be representative of the breadth of stakeholders in public higher education. We reasoned that the more self-referential the governance system—both beyond the institution and in terms of its internal constituencies—the more difficult it would be to appreciate the needs of economic development and of civil society in general. Conversely, the more representative a governance system, the more likely is the institution to be aligned with the public interest.

Secondly, the goals set by government policy—revised student recruitment and enrolment policies, achieving equity targets, curriculum changes and improved and redirected research capacity—require organizational effectiveness. Given the nature of higher education—and the general recognition that participation is central to good governance—such efficacy is likely to require effective delegation of authority and of responsibilities. We reasoned that the more an institution resists delegation, holding day-to-day decision-making and monitoring functions in top-level structures such as Senates, Councils and their Executive Committees, the less likely is it that the institution will be able to implement its policies effectively.

Thirdly, we anticipated that the ability of an institution to translate its governance design into efficient, day-to-day practice will depend on its implementation capacity—the capacity within the institution to give effect to

decisions that are outcomes of the governance process. Implementation capacity is a quality of particular importance in South African higher education, given the legacy of inequalities from the apartheid years. Apart from the major discrepancies in funding across the system, institutions have had to carry significantly different burdens in meeting the contrasting needs of students entering higher education from a highly varied secondary school system, thus redirecting resources that could have been used to enhance institutional capacity to other needs. Redressing such inequities is a theme that runs throughout South African higher education policy since 1994.

We used these criteria for governance to set parameters for differing patterns of institutional governance. Plotting the degree of representivity in governance against the degree of delegation of authority yields four notional types of institutional arrangement (see Figure 1): institutions that have self-referential governance systems and shallow levels of delegation (termed “Type A” for convenience); institutions that are inward-looking in governance and that have developed systems of delegation (Type B); institutions that have representative governance systems that are well tuned to the public interest, but limited delegation of responsibility (Type C); and institutions that are both attuned to the public interest and have strong systems of delegated authority (Type D). In each case, the ability of an institution to translate governance into day-to-day practice will be affected by the third quality—implementation capacity. Thus an institution’s governance system may have the structural characteristics advocated in current policy—representative governance and deep systems of delegation—but may lack the capacity to translate design into practice. Simi-

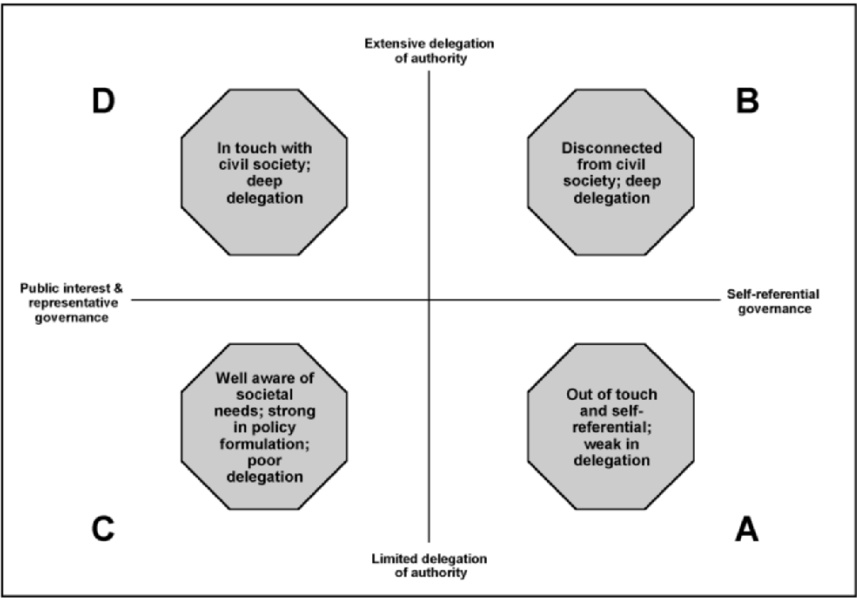


Figure 1. Governance conditions

larly, an institution may be self-referential and have an over-concentration of responsibilities, but may have the implementation capacity to get by anyway.

Case Studies

Our 12 case studies were matched to these four notional types of governance by rating each of them against the three parameters of representivity, organizational effectiveness and implementation capacity (for a full description of this methodology, see Hall, Symes & Luescher, 2002). We concluded that three of the institutions could be classified as Type A, four were Type B and a further four were Type C. Only one institution could be classified as Type D.

Type A institutions were those with self-referential governance combined with shallow delegation. Those in our sample were a small university and two small technikons, two of which had their origins as “homeland” institutions, and the other of which was formerly reserved for white students. The 1997 Higher Education Act requires that at least 60% of a Council’s membership is external to the institutions (i.e. lay governors), and these four institutions had met this requirement in formal terms. However, a closer look showed that the intention of the legislation had not been respected. In two cases, the external Council members were appointed from sectors that had a vested interest in the institution: members of Convocation, professional experts in narrow academic fields, donors and allied educational organizations. In one of these cases there were representatives of local and provincial legislatures (who cannot be considered to be representatives of civil society in the sense intended by the legislation), and in a second case there were no civil society representatives. In the third case, there was provision for a wider range of external membership. However, the Minister had failed to appoint external members as is required in terms of the Higher Education Act, and the Council had adopted the practice of coopting additional members from the institution’s staff (although there was no provision for this in the institution’s Institutional Statute¹).

Together, these three institutions showed contrasts that can be seen as different sides of the same coin. In one case, the Vice-Chancellor was well aware of the self-referential nature of the institution’s governance structures, and the need for the continuing transformation of governance defined much of the institutional discourse. Thus the Vice-Chancellor and other senior members of the Executive regarded the Council as conservative and unwilling to change. It was acknowledged as unrepresentative of the demographics of the province and the student body, and was not always sympathetic to issues of equity and redress. This was exacerbated by the fact that members of Council were not always familiar with regional issues, since they came from elsewhere in the country. This was reflected in this institution’s Council papers, which showed an institution getting to grips with many new mechanisms and procedures of formal governance. While there were some innovative decisions, for the most part, formal governance seemed oriented around the more plodding stuff of financial administration and facilities management. The most arresting

items in Council minutes, from a transformation point of view, were those minuted under the Vice-Chancellor's report, with the Vice-Chancellor coming across as a transformation-focused leader still dragging the weight of the institution behind him.

The lived experience of the second institution in this category stood in sharp contrast. Here, there had been a sustained history of governance gridlock that had prevented the institution from moving forward. Thus the Chair of Council had a clear vision for the institution, concentrating on the issues of its immediate community: small agriculture, economic development, HIV/AIDS issues, crime and violence issues, education for traditional leaders in terms of their role, and infrastructural development in rural areas. However, these policies had been rejected by the Executive, and were therefore not implemented; as the Chair of Council readily conceded, Council had no practical ability to implement its policies without the Executive's cooperation. This was further accentuated by a Senate that was more of a passive sea-anchor than a propeller of change, and by weakly developed substructures for effective delegation of responsibilities. Thus the institution had a large Executive Committee of Council that mirrored Council, and therefore its parent's problems. It could act only in emergencies and in regard to routine administrative matters, and its primary function was as a clearing house for recommendations from Senate and other committees prior to their consideration by full Council.

The consequence of the combination of a traditional and conservative Senate, a Council with limited breadth of representation and an external membership that had little day-to-day contact with the campus, and poorly developed formal delegation of authorities, was that the Vice-Chancellor had both executive authority and, for all practical purposes, the power to make or break policy initiatives. In turn again, this conferred a unique role on the Institutional Forum, in which a progressive faction held the balance of power, and had used this to form an alliance with Council against the Executive and despite the Senate. Thus the Chair of the Institutional Forum saw the Institutional Forum as the eyes and ears of Council on the campus, working with the Council in whatever way was in the interests of the institution, while also serving as ombudsman for the institution (an approach that was supported by the Chair of Council). In essence, governance comprised a highly personalized struggle between the Vice-Chancellor, the Chair of Council and the Chair of the Institutional Forum, each of whom mobilized supporters for his cause.

The third institution was also in sustained crisis. Here again there was a shallowness of delegation, with a large Executive Committee of Council comprising six members and, in addition, the chairs of all standing committees of Council. This was exacerbated by the governance tradition that had developed at this institution. Some Councillors expressed the view that they should be involved in the day-to-day running of the institution. Although there were standing committees of Council, many of the issues referred to these committees were reconsidered by Council itself. External members of Council expressed frustration at the lack of clear agendas, and the control over Council's

work exercised by the Secretary of Council (the Registrar). For their part, while members of the Executive reported a good relationship with Council (despite a recent incident in which they had been suspended by Council), they regarded Council as failing to provide appropriate support to the institution's management. Members of the Executive were held individually and directly accountable to Council for their portfolios (rather than via the general accountability of the Vice-Chancellor).

These three Type A institutions shared a number of characteristics. First, they had inward-looking patterns of governance, reflecting the interests of the institution (or more often specific factions within the institution), rather than the interests of the broader community that they were intended to serve. This was particularly marked in that, in each case, these broader communities were among the poorest in South Africa, and therefore could expect to benefit considerably by the objectives set by the government for public higher education. Secondly, and as a consequence of this introspection, there was an insufficient level of trust to allow the delegation of authority and responsibility. This continued the pattern of limited participation in governance, and resulted in unclear governance domains, with Council tending to play an inappropriate role in the day-to-day management of the institution. Thirdly, and closely linked with the other two shared characteristics, institutions in this category tended to be bound up in their own particular histories, either continuing internecine struggles for power that were rooted in the apartheid years, or recalling a conservative tradition of governance that was no longer appropriate to South Africa's changed circumstances, or playing out localized and factional power struggles.

A particular risk for institutions in this category was that the course of their governance was unduly influenced by the personality and abilities of their vice-chancellor. Thus in one case, the governance of the institution revolved around the clash between the Vice-Chancellor and the Chair of Council—a conflict that had its roots years earlier, when the Council Chair had been a member of the academic staff, and chair of the staff union. In a second case, governance at the institution was paralysed for nine months by a set of allegations made by the unions and subsequently found by the Council to be insubstantial, against the character and behaviour of the two most senior members of the Executive. In the third case, in contrast, a charismatic and progressive Vice-Chancellor was leading a sustained transformation process that seemed to have a good chance of success. However, this project appeared to depend almost entirely on the continued legitimacy and energy of this one person.

Type B institutions were those that focused on effective management as a key objective. We found that institutions in this category have inwardly directed governance systems with well-developed mechanisms for delegation. Four institutions in our study fell into this category: a large university, two medium-sized universities and a small technikon. Three of these institutions had formerly been reserved for white students, and one had been established to cater for black students during the apartheid years.

Councils in this category tended to be smaller in size, and were characterized in their composition by external interests closely allied to those of internal parties: Convocation, major donors, Council members appointed by professional bodies, and members appointed "on the basis of their expertise and experience". There was limited membership drawn from civic and community organizations. Senates were aligned with the management of the institution. In two cases, the Senate was composed *ex officio*, with only the minimum additional representation required by the legislation. In these cases, the Senate was dominated by the heads of academic departments, rather than by the traditional collegium of senior scholars. Heads of academic departments were joined by the directors of major support departments. Members of Senate described their role as supporting their institution's management in constructive ways, and contrasted their approach to the traditional animosity between academic staff and the Executive. The third institution in this group had, at first glance, a traditional Senate comprising all professors. However, since in this case the headship of an academic department was an integral part of a professorial appointment, the effect was similar. The fourth institution had a combination of a management-oriented and an internally representative Senate. The Executive, deans, directors of Schools, Centres and Institutes and chairs of academic departments were members of Senate by office, as were some heads of major support departments. Other categories of staff, including the professors, had elected representatives on the Senate. In this case, Senate was seen as the heart of the institution's management, with the right and responsibility to take decisions on any aspect of the institution's management. For its part, the Institutional Forum tended to be seen either as a management device, structured to complement other parts of the organizational system, or as an unnecessary appendage, duplicating the functions of other parts of the governance system.

A defining feature of these Type B institutions was their systems of delegated authorities and responsibilities. These may have been developed as a consequence of considered decisions to adopt corporate-style structures (the case in two institutions), or else a managerial approach may have evolved more organically as a result of an institution's history and changing circumstances (as appears to be the case in the other two institutions). In one case, this had resulted in a powerful organization with sophisticated abilities both to plan and to implement policies. There was formal delegation by Council to an Executive Committee with full authority within the constraints of the legislation, and this committee had the authority to delegate further in its turn. Using this and similar governance mechanisms, this institution followed a sophisticated process of strategic planning and operated on a project management basis, agreeing on planning goals and then tracking implementation against objectives. Decisions were aided by a system of performance indicators which provided an academic and financial profile of each academic department. These indicators provided an established baseline against which issues such as continued financial support and the case for cross-subsidization could be

decided rationally. In a second case, there was also extensive and effective delegation, with an Executive Committee of Council and a formal hierarchy of key committees. The Council had an established tradition of leaving the day-to-day management of the institution to the Executive. There was a sophisticated and effective management information system that provided the Executive with key information, and which allowed Council to monitor the health of the institution through high-level key performance indicators.

The second two Type B institutions seemed to have developed their managerial approach to governance more by drift than by design. In one of these cases, the institution had a tradition of strong, centralized leadership working in close alliance with a dominant faction within the institution's Council. Comments by those either excluded from this inner regime, or else newly inducted into it, concurred that this tended to generate a "siege mentality" that divided power between a small inner circle and a larger outer circle (including the Senate) that had nominal authority in governance but little leverage in practice. Coupled with well-developed administrative capacity and resources, these circumstances had particularly empowered a small group of lay professionals and academic managers, and engendered overall opacity in the institution's governance. Institutional history in the second example was very different. In this case, the institution had been a leader in adapting to changing political circumstances, adopting principles of internal democratic organization well in advance of the work of the National Commission on Higher Education and the 1997 policy and legislation. This, however, gave rise to a large and complex committee system that was later to become the cause of considerable difficulty in the governance of the institution. There were differing views about the efficacy of this system. Key members of Senate regarded it as essential for participatory governance. Others, though, had a far more critical view. Council members pointed out that they often found themselves in the minority on committees of Council because of membership and cooptions from outside Council. The consequence was that Council was bound by committee and subcommittee decisions to which Council members may not have been party. The Executive expressed frustration with the complexity and ineffectiveness of the committee system, which they felt provided opportunities for interest groups to take positions, and exercise power, in ways not necessarily in the interests of the institution as a whole. The consequence seemed to be that, while there were systems of delegation in place, these were liable to be compromised as a result of structural confusion, or were opportunities for sectoral interests.

At first glance, these Type B universities and technikons make strange bedfellows. They cut across all the conventional categories that are used to differentiate higher education institutions in South Africa and had very different institutional histories. However, they shared a heavy emphasis on the management dimension of governance, coupled with an introspective focus. In some cases, this had been a conscious policy, with the institution's leadership explicitly adopting models of corporate practice and management techniques,

such as deep internal accountability and performance management and systems of project management. In other cases, the combination of introspection and management concerns seems to have been the result of changes in the environment in which these institutions were formerly rooted. All four Type B institutions had powerful and dominant leaders who, in often very different ways and through utilizing differing institutional traditions, had acted as pivotal agents. However, because well-developed systems of delegation had enjoined participation in governance, these institutions did not seem to be at risk from personality cults. The biggest risk was rather that parts of the management system had been colonized by specific interest groups seeking factional gains rather than the pursuit of the interests of the institution as a whole. This risk was low when management systems had been explicitly designed and introduced, because checks and balances were in place; the risk was far greater where the institution had drifted into a management-dominated state, because the opacity of processes created contradictions, ambiguities and opportunities for the illegitimate exercise of power.

Type C institutions had broad participation in governance coupled with weakly developed systems of delegation. Four institutions fell into this group: two small universities, one medium university and one large university. Under the apartheid system, two of these institutions had been intended for black students and two for white students.

The Councils of Type C institutions tended to be large, and to be broad in their representivity. Careful attention had normally been given to the diverse constituencies with an interest in the institution: such stakeholder groups included Convocation, donors, professional bodies, business and labour organizations, education-related non-governmental organizations, and municipal and provincial government. Institutional Forums were also large, and included a balanced representation of the major internal constituencies of the Council and Executive, Senate, academic and support staff and students, as well as key off-campus constituencies: donors, Convocation, organized employer associations, provincial education authorities, educational organizations, unions and politically aligned organizations. Type C institutions had Senates with professorial rather than *ex officio* membership. In two cases, modifications to this traditional structure had been put in place to widen and strengthen the academic collegium: the inclusion in Senate of elected academic staff from each Faculty in one case, and the use of an Academic Board as a representative substructure of Senate in the other case.

At the first of the Type C institutions, this broad governance structure was widely valued. The Chair of Council believed that difficult but essential issues could not have been achieved without all constituencies being members of Council, and indeed the very difficulty of the processes that this Council had addressed in past years had created a sense of unity and purpose. Levels of delegation were low, partly because of insistence on inclusiveness. Thus the Council's Executive Committee was large, and all senior appointments were made by a large standing committee, representing every constituency in gover-

nance and working largely in the public arena. Similar arrangements characterized other areas of institutional governance.

The second Type C institution also had broad representivity in governance, counterbalanced by shallow levels of delegation. This stemmed from a conscious decision to adopt a flat governance structure as a vehicle for institutional transformation. In accordance with this principle, there were no deputy vice-chancellors and the institution was run by a large management committee. This had particular consequences for the Vice-Chancellor, who received a large number of direct reports. In some views, this had resulted in the Vice-Chancellor being severely overloaded, inaccessible and therefore limited in his ability to play the required, broader leadership role. External members of the Council felt that this flat management structure was outdated, and was jeopardizing the institution by making effective and timely decision-making difficult. They felt that Council had insufficient authority, and wanted the institution to be run in a similar way to a business organization, with clear delegation and accountability. For their part, members of Senate had a different view. They felt that, because the institution's management group was large and inclusive, Senate could be regarded as little more than a rubber stamp for decisions that had already been decided upon. In contrast to the Council view that Senate was too involved in management issues, they felt that Senate was without effective power.

The third Type C institution had considerably fewer resources than the previous two—a consequence of the legacy of the past. There was little effective delegation in this institution's governance system. Deans had limited authority, and all staff appointments (except temporary appointments) were made by central management. In turn, though, central management's authority was constrained by a committee system that was responsible to Council but which included committee members (sometimes in the majority) drawn from all ranks of staff. This was a fertile environment for interest groups, and not one in which management could easily assert itself in implementing agreed policies for the institution. Consequently, although members of Council saw Council as working effectively, and in an inclusive manner, they were frustrated that management did not seem to heed Council's call for decisive action, and that the Executive appeared to be endemically weak.

As with the first three, the fourth Type C institution saw itself as a traditional institution, valuing scholarship and inclusive academic participation in governance while advocating and supporting democratic principles and seeking to include a wide range of representative stakeholders in its governance. In addition, having been burnt on the coals of a collapsed governance structure, this institution was in the midst of a process of intense self-examination, looking at its own history and at other institutional practices as models for a future Senate, Council and Institutional Forum.

Type C institutions all had governance structures that drew in their communities and which included a wide range of internal constituencies. However, shallow systems of delegation led to frequent "boundary disputes", which

tended to be solved by a combination of large decision-making groups and skilled leadership. When such boundary disputes could not be solved, they resulted in rapidly escalating institutional crises. Where such Type C institutions had well-developed administrative systems, they tended to be cushioned from governance crises as middle and low-level managers continued with established tasks irrespective of confused signals from above. Institutions with less administrative capacity were liable to suffer from “democratic chaos”—their large and inclusive governance structures failed to reach consensus over key issues, leading to a gridlock in governance. This problem had been evident, in one way or another, in all four of the institutions, with varying consequences.

Only one institution in our study fell into the Type D category, which is defined as the combination of representative governance and well-developed delegation. This was a small technikon that had been reserved for black students during the apartheid years. While other institutions had elected to gain breadth of representivity through comparatively large Councils and Institutional Forums, this technikon had achieved a comparable breadth at a smaller scale. Members of Council reported a high level of enthusiasm, and a good relationship with the Executive. They saw Council’s primary strength as the breadth of its different constituencies and the representation of professional sectors. This was seen as critical, enlightening Council on the perspectives of these constituencies and on how the institution should relate to them. Councilors worked hard to keep informed, to remain objective on issues and to establish a good relationship with academic staff, students and representatives of labour. There were three standing substructures of Council: an Executive Committee, a Finance Committee and an Audit Committee. While these standing committees were required to gain Council’s ratification for decisions that they made, and had nothing like the extent of delegated authority of Type B institutions, they together provided an organizational structure that allowed a logical and effective relationship between policy determination and implementation. Members of the Executive had a clear understanding of their roles and responsibilities, as well as the limits of their authority, particularly in the determining of policy.

Governance Conditions

The case studies described here give substance to the notional types of governance derived from the principles for public higher education governance in South Africa, set by the key 1997 White Paper and accompanying legislation. Our survey was conducted five years after these policy parameters had been set, and just before the Minister of Education announced the comprehensive restructuring of the public higher education system. Given Marginson and Considine’s (2000) notion of governance as “the pivotal position between the inner world ... of the university, and its larger environments”, what do these case studies tell us about the institutional culture of governance in South Africa, and the prospects for the restructured higher education system?

First, it is clear that history counts. Writing about higher education in general, Neave and van Vught have noted that “much of the innovation in governance and management of higher education turns around the rationalization of systems of authority and co-ordination which evolved out of previous organizational patterns, some of them of great antiquity and the origins of which tend to lie in the European university or its derivatives. These previous patterns of autonomy and governance provide the normative setting on to which these innovations are themselves grafted” (Neave & van Vught, 1994, p. 265). In the case of South Africa this is, at one level, an obvious point. All major policy statements for public higher education in South Africa since 1994 have been prefaced in one way or another with the need to address the inequities inherited from the past. But it is not the case that the outcomes of this legacy of inequality are always self-evident. Thus one of the three Type A institutions, characterized by endemically contested governance arrangements, was designed and resourced as a “whites only” institution in the apartheid years. And the one institution that represents Type D, balancing representivity and effective management, was reserved for black students by apartheid legislation, was significantly under-resourced in comparison with its “white” regional neighbours and in 2002 provided for students from some of the poorest communities in its catchment.

The further complexities of history were illustrated in the detail of many institutions’ particular trajectories. Thus one of our case studies had been established as an apartheid “homeland” university. As such, it did not operate on the basis of plans and budgets related to student enrolments or graduation rates, but rather received a block allocation each year. As one of the largest organizations in the area, the university became an important source of employment, with a strong union (representing all categories of staff) that, in the view of the Executive, had worked to prevent any changes that might reduce staff numbers or adversely affect conditions of employment. This tradition had continued, restricting the institution’s ability to respond to changing circumstances. A second institution had been one of the first in the country to restructure its governance, instituting—in the face of apartheid government policy—a new form of Senate that stressed and enabled the participation of all sectors of the institution’s internal community. The result had been that Senate had become the centre of gravity in governance, and the place where a wide range of internal and external issues had been debated. These reforms had been completed well before the National Commission on Higher Education began its work, and met all the criteria for governance that were laid out in the Commission’s 1996 report. However—and in common with others—this institution now found that there are few governance issues comparable to the rolling crises of the 1980s. As a result, staff and student delegations only attended Senate in numbers if there was an issue that specifically affected their constituencies, and the complex, democratically oriented committee system was prone to cooption by factional interests.

Secondly, and closely related to the apartheid origins of South African public

higher education and the complexities of post-apartheid transitions, universities and technikons have a high incidence of governance failure. Given Neave and van Vught's point that previous histories are part of the normative basis for the future, it is worth using the detail from some of these case studies to build a more generic model for governance failure in the South African context. Taken together, those of the 12 institutions in our study that had experienced severe governance crisis tended to share a number of characteristics. There were often unresolved issues around the extent and nature of the Institutional Forum's role and uncertainty about the relationship between Senate and the Institutional Forum in advising Council on issues of major importance for the institution. There was uncertainty on Council's part as to the extent of its authority, and Councils were often unprepared to support the Executive in carrying out its management functions. Institutionally specific issues often escalated to the public domain, and to ministerial level, making them far more difficult to resolve.

Taken together, these specific crises point to a syndrome of governance failure that takes a general form. The crisis begins when a weak Executive prompts or enables Council intervention, or when the Council intervenes in response to inappropriate actions on the part of the Executive. An institution's management may be weak because the wrong people have been appointed to management positions, because there is inadequate administrative support or because management is hamstrung by structural problems that are deeply embedded in an institution's history. In these situations, a Council may intervene in the management domain because it deems this is in the institution's best interests, or because elements on the Council are looking for an opportunity to become more involved in the day-to-day affairs of the institution. In an alternative scenario, a vice-chancellor exceeds his or her authority, forcing either a confrontation with Council, or colluding with a faction on the Council in subverting the legitimate purposes of the institution. Whatever its cause, the effect of Council intervention is a confusion between the governance and management functions in the institution. Council's management intervention either weakens the Executive further, or opens up divisions between factions within the Council or between the Council and the minister. Unless this situation is short term (for example, bridging a difficult period between the appointment of vice-chancellors or dealing with an acute crisis), the confusion of governance and management roles both undermines the vice-chancellor by reducing his or her ability to provide unambiguous leadership for the institution, and limits or removes Council's ability to fulfil its key audit functions.

Through the cumulative effects of such interventions, Council becomes the *de facto* management committee of the institution. However, a Council is rarely set up in such a way that it can become an effective management committee. External members of Council have other commitments, and may lack appropriate expertise in higher education management. The internal members of Councils are drawn from sectors of the institution that are normally subordinate to the vice-chancellor, and their close participation in management issues

further weakens the senior management team. This eventually leads to a condition of gridlock in which Council is unable to make decisions about key issues. Senate, already largely reactive, is further marginalized. Senates have a poorly developed role in many institutions, and may lack a clear sense of their role. Because of this, they are ill-prepared to play a counterbalancing role when there is confusion or dispute between Council and the Executive. Although the Senate may be an important line of continuity, helping an institution to recover from governance failure, Senates seem to have been able to do little to prevent such a collapse in the first place. In addition, confusion over the role of the Institutional Forum may create opportunities for inappropriate stakeholder intervention or interference. This stems from ambiguity about the role of the Institutional Forum in most institutions, and the Institutional Forum is easily appropriated (or bypassed) for specific sectoral agendas. This may further exacerbate an institutional crisis. In some cases, an institution may pull back from this situation, recover a balance in its governance and rebuild its strength. Of the “institutions in crisis” included in this study, one had survived instability and the second was set on a path to recovery following the resignation of the Vice-Chancellor. However, if there is no move towards recovery, the final stage in this crisis syndrome is reached when the minister uses the authority of the legislation first to appoint an independent assessor, and then to suspend institutional autonomy by appointing an administrator.

Such syndromes of governance failure have been a major imperative to higher education reform and restructuring in South Africa. Since 1997, the Higher Education Act has been amended—usually annually—to provide for tighter steering by the Ministry of Education (Hall & Symes, 2003). The National Plan for Higher Education seeks to reshape the entire higher education landscape, creating a suite of new institutions through consolidations and mergers. Thus, for example, the Afrikaans-medium Potchefstroom University will be merged with the English-medium (and former homeland) University of North-West. The University of Durban-Westville, intended by the apartheid government for Indian students, will merge with the formerly white University of Natal. In the Eastern Cape, the University of Port Elizabeth will first incorporate a branch of Vista University (founded for black township students) and then merge with Port Elizabeth Technikon. This (as with several other mergers) will create a new “comprehensive” type of institution that offers both university and technical programmes. The Minister has made it clear that he regards the outcome of this exercise—surely one of the most ambitious attempts at higher education restructuring on record—as a new baseline for the sector. In order to overcome governance crises of the past, both state and sector—in the restructuring process itself, and with respect to the merged and incorporated entities in which it results—will have to exhibit an awareness of the values and needs of good governance in the South African context.

Thirdly, the case studies suggest that such a notion of good governance in South African higher education cannot be divorced from the basics of representative decision-making and accountability. The empirical observations suggest

that it is not corporate governance but democratic models of governance combined with good management practices that produce the governance conditions conducive to higher education institutions. Those institutions that showed a governance system that was in touch with global, national and local imperatives, that were financially sustainable and exhibited an academic community life beneficial to the teaching, learning, research and community service functions of higher education, were largely located in the left-hand side of the matrix. While in some cases managerial practices were more pronounced, in others governance prioritized an over-representation of internal and external stakeholders and constituencies. In this sense, the fundamentals of the governance model adopted by South African higher education holds at the institutional level, particularly with respect to the inclusion and full participation of representatives of junior academic and support staff, and students, in institutional governance structures.

Our study certainly endorses the view that, at the point immediately prior to the country undertaking its ambitious restructuring exercise, South African public higher education institutions carry a heavy burden of past inequities. Many of the problems in governance which emerged in the case studies can be attributed to a lack of institutional capacity, in turn an outcome of uneven apartheid-era resourcing and investment. Conversely, well-resourced institutions show a resilience to governance challenges as cadres of middle-level managers continue to function through crises. In terms of one of the criteria for public higher education governance—implementation capacity—it would seem that the present restructuring exercise is addressing a core set of issues.

In other respects, though, there is less cause to be optimistic. Our study has shown that governance is more than a set of technical arrangements that can be changed through amendments to the Higher Education Act, through the promulgation of a new Institutional Statute or through adjustments to the composition of the Council, Senate or Institutional Forum. Rather, the 12 case studies reviewed here reveal complex “cultures of governance” that are shaped by institutional histories and complex sets of interests. Following Marginson and Considine, we can see these as interplays between the internal life of the institution and its external environment. For example, the ways in which Senates function are often shaped by long-standing traditions of inclusion and exclusion, and by differing attitudes to the authority of the institution’s management. For their part, Councils bring these internal politics into juxtaposition with external interests, themselves moulded by local and provincial politics, business interests and the interests of specific pressure groups. In several of our case studies, these plays of differing interests had direct lines of continuity back into the 1980s and the apartheid era. This indicates that significant aspects of cultures of governance have survived both the transition to democracy in 1994 and the higher education policy and legislation of 1997. There seems no reason why they should not survive incorporations, mergers and the new institutional landscape as it takes shape from 2004 onwards.

Notes

1. The Council of a South African public higher education institution is accountable for making the Institutional Statute and rules of the institution, and the minister approves the Statute. The Statute must comply with the national policy and legal framework and is a significant device for determining the practice of governance at institutional level.

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