

**DEPARTMENT OF HIGHER EDUCATION AND TRAINING
NOTICE 502 OF 2017**

**MINISTERIAL OVERSIGHT COMMITTEE ON TRANSFORMATION IN
THE SOUTH AFRICAN PUBLIC UNIVERSITIES**

I, Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with Treasury Regulation 20 [issued in terms of Public Financial Management Act, 1999 (Act No1 of 1999)] hereby a) appoint members into the Ministerial Committee (known as the Transformation Oversight Committee, TOC) set out in the schedule hereto to oversee transformation in South African universities for a three year term of office with effect from the date of the publication; and b) repeal the previous publication on the establishment of the above stated committee.



DR BE NZIMANDE, MP

MINISTER OF HIGHER EDUCATION AND TRAINING

DATE:

24/05/2017

SCHEDULE

The Terms of Reference of the Transformation Oversight Committee in the South African Universities

1. Background

Post 1994, a range of initiatives seeking to effect institutional change were introduced into the higher education system, which include the restructuring of the higher education landscape and institutions; new policies including legislation; new funding formula; and remodelling of institutional governance. These various initiatives may have brought forth the limitations of the state and higher education institutions to address all the aspects of transformation, and have affected the pace, nature and outcomes of change.

One of the policy initiatives was the *White Paper 3: A Framework for the Transformation of Higher Education (1997)*. It was developed with the aim to guide programmes and processes aimed at transforming the post-apartheid education system. It was an initiative to transform the higher education sector into a democratic, non-racial and non-sexist system of higher education that will promote equity of access and fair chances of success to all who are seeking to realise their potential through higher education, while eradicating all forms of unfair discrimination and advancing redress for past inequalities.

Almost a decade after the development of the White Paper, the then Minister of Education, Ms Naledi Pandor, appointed a *Ministerial Committee on Transformation and Social Cohesion and Elimination of Discrimination in Public Higher Education*, following the Reitz hostel incident of racism at the University of Free State in March 2008. The Committee was to “investigate discrimination in public higher education institutions, with a focus on racism and to make appropriate recommendations to combat discrimination and to promote social cohesion”.

The Committee set out and had to report to the Minister on the following:

- An overview of the state of anti-discrimination in higher education;
- An indication of the most unacceptable forms of discrimination that are taking place within the system;

- The nature and extent of racism and racial discrimination in public higher education, and in particular university residence, and other forms of discrimination based on gender, ethnicity and disability;
- An insight into models of good, anti-discriminatory practices that were emerging within the system;
- An agenda for the areas of higher education most urgently in need of anti-discriminatory work, and steps that have to be taken by institutions to combat discrimination, including an assessment of good practice as well as short comings of existing interventions;
- An identification of the most critical areas for further investigation and research; and
- The Committee was to advise the Minister and the key constituencies in higher education on policies, strategies and interventions needed to combat discrimination and to promote institutional culture for staff and students, which are based on the values and principles enshrined in the Constitution.

The Committee reported on the state of transformation in higher education and observed that in particular, racism and sexism is pervasive, and that the pace of redress is *painfully* slow. It noted serious disjunction between policy and real-life experiences of both students and staff, particular in learning, teaching, curriculum, languages, residence-life and governance.

In its report, the Committee recommended, as one of the key interventions, that "The Minister should consider establishing a permanent *Oversight Committee* to monitor the transformation of higher education."

2. Purpose of the Transformation Oversight Committee

The purpose of the Transformation Oversight Committee (TOC) is to:

- a) monitor and progress on transformation in public universities;
- b) serve as an expert advisory body and provide independent and external advice to the Minister and the Department in fulfilling their oversight role; and
- c) assist in strengthening the accountability of universities in matters of transformation.

It is recognized here that transformation is an imprecise concept, and that the understanding outlined here, focusing on the elimination of discrimination and promotion of social cohesion, is

a rather restricted one. This is intentional as the full transformation of the university system cannot be tackled by the TOC. Such transformation involves the improvement of the quality of teaching and learning; the elimination of weak administrative systems, especially at historically disadvantaged universities; the elimination of discriminatory practices based on gender, race, class and historical imbalances; the provision of adequate infrastructure so that all universities can adequately meet their fundamental mandates of teaching, learning, research and community engagement in the context of social cohesion; the expansion and improvement of research throughout the system; the expansion of access to university education to many more students; and so on. Transformation in this broader sense must perforce be the aim of the entire system of governance and management at national and institutional levels, and is beyond the scope of the TOC. The word 'transformation' as used in this document refers to the narrower meaning of the word.

3. Responsibilities

The TOC must:

- a) Study and evaluate the transformation plans and charters of all universities. The TOC should use this exercise as a basis for the development of a sectorial transformation charter.
- b) Conduct an assessment of the impact of language policies on institutional cultures and social integration.
- c) Initiate enquiries and or public hearings on any transformation matters or as requested by the Minister.
- d) Assist DHET to provide adequate oversight to ensure that facilities are progressively made accessible to those with disabilities, within the available means of relevant universities.
- e) Develop guidelines or best practices to assist universities in implementing language policies with a view to promote integration and access.
- f) Identify performance indicators, with a view of measuring transformation progress of institutions.
- g) Develop reporting mechanisms to evaluate both the relevance of institutional transformation targets and plans, as well as the relative progress made by institutions on an annual basis.

- h) Review the annual reports of institutions on transformation and produce an annual report on the state of transformation in the higher education sector.
- i) Advise the Minister on policy and strategies for the acceleration of transformation.
- j) Advise the Minister on any other matter it may deem necessary, important and relevant for development and transformation of the sector.
- k) Bring to the attention of the Minister any major problem areas or incidences affecting universities' transformation.

In undertaking its work, the TOC may commission various research undertakings within the confines of its budget and will take into account other research findings undertaken by independent parties to assist its functioning.

4. Composition of the TOC

Members of the TOC are appointed by the Minister for a period of not more than three years and may, individually, be reappointed for additional terms at the discretion of the Minister. The TOC members must be persons with relevant knowledge and expertise.

The members of the TOC as appointed by the Minister are as follows:

- a) Professor Andre Keet (Chairperson)
- b) Dr Mvuyo Tom
- c) Professor Christine Winberg
- d) Professor Crain Soudien
- e) Mr Zola Saphetha
- f) Ms Fundisile Nzimande
- g) Ms Sebenzile Matsebula
- h) Professor Pamela Maseko
- i) Professor Kopano Ratele
- j) Dr Pearl Sithole

A member of the TOC may resign his/her membership by giving notice in writing to the Minister.

An appointment to the TOC may only be revoked by the Minister.

5. Meetings

- The TOC shall meet at least quarterly, and may meet more frequently as circumstances require. In addition to its meetings, the TOC shall meet at least once a year with the Minister.
- A quorum shall be 50% of the members.
- In absence of the Committee Chairperson, the remaining members present shall elect one of themselves to chair the meeting.
- The TOC's deliberations shall be through group discussion.
- The deliberations and the minutes of its meetings are confidential.
- All documents and information submitted to or obtained by the members shall be used solely for the purposes of the deliberations and shall be treated as confidential.

6. Independence

The TOC is not an autonomous body – it is appointed by the Minister to advise on issues of transformation and to work with the Department to inform it, in its role of policy development and oversight of the system. However, it must act independently and objectively outside the views of the Department, in so far as its role of research, evaluation, and advising the Minister on transformation matters.

7. Cooperation

The TOC must work cooperatively with the Department in monitoring transformation, subject to the policies and priorities set by the Minister.

8. Integrity

The TOC must demonstrate professional integrity in all aspects of its work. The outputs of the TOC must be based on sound, objective and professional analysis and high standards of research.

9. Confidentiality

The principle of confidentiality imposes an obligation on TOC members to refrain from disclosing institutional and confidential information acquired by virtue of being a member of the TOC unless there is a legal duty to disclose.

10. Administrative arrangements

The Department through the Transformation Unit will provide secretariat and administrative support to the Committee. The Committee must be served with efficiency, and the Department must ensure timely compilation and circulation of quality agendas and minutes.

Members of the Committee shall, in accordance with Treasury Regulation 20.2.2, only receive remuneration for periods of attendance at Committee meetings.

11. Communication

On the basis that this is a Ministerial Committee, every pronouncement of recommendations or findings must be communicated to stakeholders through the Office of the Minister via the Transformation Unit which will act as a Secretariat.

12. Accountability and Reporting

The TOC is accountable to the Minister. The Committee will agree on its results-based work plan, which emanates from the Terms of Reference, and must provide accurate and timely reports of its activities to the Minister.

The Committee, as a collective or through its Chair, will brief the Minister as necessary.

The TOC Chairperson shall present the annual report containing observations and recommendations as appropriate to the Minister. Interim reports addressing key findings and matters of importance may be submitted to the Minister at the discretion of the Committee or request of the Minister, at any time.