



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

DRAFT POLICY FOR THE RECOGNITION OF SOUTH AFRICAN HIGHER EDUCATION INSTITUTIONAL TYPES

DETERMINED IN TERMS OF SECTION 3 OF THE
HIGHER EDUCATION ACT (ACT 101 OF 1997, AS
AMENDED)

APRIL 2022

DETERMINATION OF CRITERIA FOR HIGHER EDUCATION INSTITUTIONAL TYPES

The *Higher Education Act (Act 101 of 1997)* as amended provides for three higher education institutional types, Higher Education Colleges, University Colleges and Universities.

In terms of Section 3(1) of the Higher Education Act (the Act), “the Minister must, taking into consideration the provisions of the Constitution and after consulting the CHE, determine policy on higher education, which policy includes, but is not limited to

- (a) transformation goals and oversight mechanisms for these goals;
- (b) articulation and recognition of prior learning frameworks across the education system; and
- (c) criteria for recognition as a university, university college, or higher education college”.

Once adopted and published in terms of Section 3(2) of the Act, institutions that meet the criteria contemplated in Section 3(1)(c) of the Act may be established, converted or declared as a public university, university college, or higher education college in terms of Sections 20 and 21 of the Act.

In terms of Section 3(3) of the Higher Education Act, “the Minister may, in terms of the policy contemplated in subsection (1) and in the interest of higher education system as a whole, determine the scope and range of operations of

- (a) Public higher education institutions
- (b) Private higher institutions and
- (c) Individual public or private higher education institutions”.

Public higher education colleges, university colleges and universities will be subject to scope and range of operations which meet the criteria for recognition and as prescribed by the Minister under section 69 (d) read with Section 3(c) of the Act.

In terms of funding, public higher education colleges, university colleges and universities are subject to Section 39(1), (2) and (3) of the Act. Therefore, public higher education institutions are subject to the planning and reporting framework for public higher education institutions contemplated in Section 69(c) of the Act.

Private higher education institutions wishing to operate as higher education colleges, university colleges and universities must first be registered as private higher education institutions in terms of Chapter 7 of the Act. Registered private higher education institutions that meet the criteria may apply to convert their registration in terms of Regulation 5 of the *Regulations for the Registration of Private Higher Education Institutions*. Upon approval by the registrar of private higher education institutions, a private higher education institution shall be registered with the words ‘private higher education college’; ‘private university college’, or ‘private university’ appearing in its name.

The following criteria, therefore, is determined and published in terms of Section 3 of the Higher Education Act (Act 101 of 1997 as amended).

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1. ACRONYMS

CHE	Council on Higher Education
CESM	Classification of Education Subject Matters
The Department	Department of Higher Education and Training
HEI	Higher Education Institution
HEQF	Higher Education Qualification Framework
HEQSF	Higher Education Qualification Sub-Framework
NDP	National Development Plan
NQF	National Qualifications Framework
OQSF	Occupational Qualification Sub-Framework
PSET	Post school Education and Training
PHEI	Private Higher Education Institution
PQM	Programme and Qualification Mix
QCTO	Quality Council for Trade and Occupations
RSA	Republic of South Africa
SAQA	South African Qualifications Authority
SETA	Sector Education and Training Authority

2. DEFINITIONS

In this policy, unless clearly indicated otherwise by the context, the following words or expressions have the meanings assigned to them by the Higher Education Act No 101 of 1997, as amended.

Academic board means the body responsible for the academic enterprise of the college and accountable to council.

academic employee means any person appointed to teach or to do research at a public higher education institution and any other employee designated as such by the council of that institution.

Academic programme means the design of learning content which is multidimensional and includes intention and structure of content, delivery modes, academic resources and assessment modes. The academic programme must be in line with the National Qualification Framework.

Act refers to the Higher Education Act No 101 of 1997, as amended.

CHE means the Council on Higher Education established in terms of Section 4 of the Act.

Convert means the process of conversion as contemplated in section 20 (1) in terms of which an identified higher education institution or subdivision, faculty, school, department, section or component of a public higher education institution or education institution becomes a juristic or new juristic person, as the case may be, on a date specified by the Minister in the Notice contemplated in section 20(1).

Council means the governing body of a higher education institution.

Higher Education means all learning programmes which must be registered in accordance with the provisions of the National Qualifications Framework Act, 2008 (Act 67 of 2008), as a qualification or part-qualification on the Higher Education Qualifications Sub Framework (HEQSF).

Governing board means the governing body of a higher education college and a university college.

Higher Education College means a higher education institution providing higher education, but with a limited scope and range of operations and which meets the criteria for recognition as a higher education college as prescribed by the Minister in terms of Section 69(d) and

- a) Established, merged, converted, deemed to have been established or declared as a public higher education college; or
- b) Registered as a private higher education college.

Minister means the Minister responsible for Higher Education.

Private higher education institution means any institution registered or conditionally registered as a private higher education institution in terms of Chapter 7 of the Higher Education Act.

Programme is a purposeful and structured set of learning experiences that leads to a qualification. Programmes may be discipline-based, professional, career-focused, trans-, inter- or multi-disciplinary in nature. A programme has recognised entry and exit points. All higher education programmes and qualifications must have a core component and may have a fundamental and or elective component depending on the purpose of the programme or the qualification. The credit allocation for core, fundamental and elective learning will depend on the purpose of the programme or qualification. The internal organisation of programmes is otherwise not prescribed by this document.

Provide higher education means:

- a) The registration of students for higher education
- b) The taking of responsibility for the provision and delivery of the curricula
- c) The assessment of students regarding their learning programmes and
- d) The conferring of qualifications

In the name of the higher education institution concerned.

Public higher education institution means any higher education institution that is established, deemed to be established converted or declared a public higher education institution under the Act.

Qualification is the formal recognition and certification of learning achievement awarded by an accredited institution. The HEQSF sets out the range of qualification types in higher education that may be awarded to mark the achievement of learning outcomes that have been appropriately assessed. The qualification type descriptors 7 include the specifications in terms of total minimum credits required, naming conventions related to designators, qualifiers and abbreviations, the purpose and characteristics of a qualification type, minimum admissions requirements, and the rules of progression to other qualification types. A higher education qualification must conform to one of the qualification types or its variants described in the HEQSF. The HEQSF is concerned with the integrity of whole qualifications, understood to comprise at least 120 credits, and does not specify parameters for part-qualifications i.e. the modules or courses that make up an accredited qualification, as these are determined according to the logic of specific curricula and internal institutional academic structures. The purpose of the HEQSF is to define the relationships between qualification types; the movement of individuals within and between non-completed qualifications is guided by Recognition of Prior Learning processes (RPL) and Credit Accumulation and Transfer processes (CAT).

Recognition of Prior Learning (RPL) means the evidence-based assessment of comparison of previous learning and experience against the learning outcomes required for a specific programme of a student, however obtained, and the acceptance of such learning for the purpose of accessing a programme awarding of credits and advancing standing.

SAQA means the South African Qualifications Authority established under the South African Qualifications Authority Act, 1995 (Act 58 of 1995).

Student means any person registered at a higher education institution.

university means a higher education institution providing higher education and with a scope and range of operations, including undergraduate and postgraduate higher education programmes, research and community engagement, which meets the criteria for recognition as a university as prescribed by the Minister under section 69 (d) and

- (a) established, merged, converted, deemed to have been established or declared as a public university; or
- (b) registered as a private university, in terms of this Act;

University college means a higher education institution providing higher education, but with a limited scope and range of operations and which meets the criteria for recognition as a university college as prescribed by the minister under section 69 (d) and

- (a) established merged, converted, deemed to have been established or declared as a public university college; or
- (b) Registered as a private university college.

3. INTRODUCTION

- 3.1. The development of this policy is based on the Constitution of the Republic of South Africa, 1996 (Section 29 (2) and (3), and Schedule 4); the Higher Education Act (Act 101 of 1997 as amended), and it seeks to fulfil the policy objectives and goals of the White Paper 3 for Higher Education (1997); the National Development Plan (NDP); the White Paper for Post-School Education and Training (2013); the National Qualifications Framework Act (67 of 2008); the Higher Education Qualifications Sub-Framework (HEQSF, 2014) and the National Plan for Post School Education and Training (NPPSET, 2021).
- 3.2. The *White Paper 3: A Programme for the Transformation of Higher Education (1997)* cites, as one of the challenges to higher education, that if it is to contribute to the reconstruction and development of South Africa “the inequities, imbalances and distortions that derive from its past and present structure must be addressed, and higher education transformed to meet the challenges of a new non-racial, non-sexist and democratic society committed to equity, justice and a better life for all”. A higher education system that is ‘well-suited to accommodate the varying backgrounds, needs, interests and abilities of the students of the future; to enable them to realise their potential, and contribute the necessary range and quality of knowledge, insight, skill and capability to the development and reconstruction of our country’, White Paper 3 (Paragraph 2.3).
- 3.3. The *White Paper for Post- School Education and Training (PSET) (2013)* describes a post-school system as comprising all education and training provision for those who have completed their schooling; those who have not completed their schooling; and those who never attended school. Thus, a system that provides a diverse range of institutions set to meet the multiple goals of an effective, efficient, responsive and transformed higher education sector.
- 3.4. The *National Plan for Post School Education and Training (NPPSET) (2021)* envisages a diversity of quality learning opportunities for students, both in the public and private sectors. The distinct missions; specialised programmes; modalities of provision; research and innovation foci; localities; community engagements and partnerships in this diverse system will be carefully steered and supported by dedicated planning; funding; quality assurance and monitoring mechanisms from dedicated national departments. In the public system, consideration will be given to expand the reach of institutions through multi-site campus development at existing universities and colleges; expanding campus sites at universities and colleges that have the capacity to provide a diverse range of higher education programmes.

- 3.5. In the post-1994 democratic era, the higher education landscape has been significantly restructured to respond to new realities and opportunities. In the public sector, institutional mergers and incorporations took place from 2000 to 2005, reducing the universities and Technikons from 36 to 23 universities (including universities of technology). In 2013 two new universities were established, the University of Mpumalanga (UMP) in Mbombela and Sol Plaatje University (SPU) in Kimberly. In 2015 the MEDUNSA campus of the University of Limpopo, were unbundled, leading to the establishment of Sefako Makgatho University (SMU), in Ga-Rankuwa, at the original premises of the Medical University of Southern Africa (MEDUNSA), and leading to the current 26 universities. The current institutional types, *per se*, are made up of 11 traditional universities, 9 comprehensive universities, and 6 universities of technology (UoTs).
- 3.6. The higher education landscape is continually being transformed to address the historical imbalances of inequality; to serve the new social order; to meet the pressing national needs and to respond to the new realities and opportunities.
- 3.7. The three types of Higher Education Institutions (HEIs) are defined in the Act in terms of scope and range of their activities. Higher education colleges have a relatively limited range and scope, focusing on undergraduate and skills development programmes. University Colleges are introduced as institutions to enable the developmental growth of new universities under the trusteeship of an established university. Universities are engaged in undergraduate and postgraduate higher education, knowledge production (research) and community engagement.
- 3.8. Therefore, in order to give effect to the implementation of the Higher education Act and fulfil the objectives set out in the higher education policies, a criteria for recognition of the three institutional types must be developed, particularly for the three higher education institutional types stipulated in the Act. The Act requires the Minister to make a policy determination pertaining to the criteria for the recognition of the institutional types.

4. LEGISLATIVE AND POLICY PROVISIONS

- 4.1. The Higher Education Act (Act 101 of 1997 as amended) (the Act) makes provision for three types of higher education institutions: a higher education college; a university college; and a university.
- 4.2. Section 3(1)(c) of the Act provides for the Minister, and after consulting the CHE, to determine policy on higher to provide “criteria for recognition as a university, university college, or higher education college”. Therefore, this policy provides for criteria for the determination of institutional types as contemplated in the Act.
- 4.3. Private higher education institutions may be registered to operate as higher education institutions in terms of Section 53, if they meet the conditions set out in Section 51 of the Act.
 - 4.3.1. Section 54 (7) of the Higher Education Act restricts the terminology and nomenclature by which higher education institutions, other than public higher education institutions, may be named or reference. It stipulates that,

No independent school as defined in the South African Schools Act, 1996 (Act 84 of 1996), or other private education institution may call itself a university or a technikon or confer a professorship or an honorary degree or use the title of rector, vice-chancellor or chancellor, unless it is registered as a private higher education institution in terms of Chapter 7 and the word 'university' or 'technikon' appears in its name.
 - 4.3.2. Therefore, this policy provides criteria by which institutions, including registered private higher education institutions, may be defined and officially registered as specific institutional types contemplated in the Act.
- 4.4. However, the White Paper 3 cautions against “homogenising pressures” and states that they can be avoided by recognising the broad function and mission of the types of institutions offering higher education programmes, and which must serve the mission and goals of the system. It further states that the “institutional types will not continue to be regarded as discrete sectors with mutually exclusive missions and programme offerings” but that they should facilitate articulation. Moreover, institutional types “should facilitate a recognition of the scope for collaboration on the basis of common purposes and mutual interests, and of their distinctive roles”. Therefore, as part of the basis for determination of institutional types, the distinctive roles of institutions, even within institutional collaborations and articulation from one institutional type to the other, have been considered and are recognised. In their diversity, the different institutional types are meant to contribute to the overall goal of

a diversified system “in terms of the mix of institutional missions and programmes that will be required to meet national and regional needs in social, cultural and economic development” (White paper 3).

- 4.5. The White Paper for Post-School Education and Training envisages a system comprising “a diverse range of educational institutions and institutional types that will expand considerably over the next twenty years to cater for the millions of people”. Moreover, within the diversified system with different institutional types, it propagates for bridging between vocational or occupational programmes and academic programmes in order to promote articulation.

5. PURPOSE

- 5.1. This policy provides criteria for the recognition of different higher education institutional types, in terms of Section 3(1)(c) of the Act, to:
 - 5.1.1. set the scope and range of operations for the institutional types; and
 - 5.1.2. provide a higher education structure that is 'well-suited to accommodate the varying backgrounds, needs, interests and abilities of the students of the future, to enable them to realise their potential, and contribute the necessary range and quality of knowledge, insight, skill and capability to the development and reconstruction of our country' in line with the stipulation of the White Paper 3.
- 5.2. By establishing the scope and range of institutional types, the purpose is to fulfil the goals of the White Paper 3: A Programme for the Transformation of Higher Education wherein it posits a programme-based higher education system,
 - 5.2.1. To promote diversification of access, curriculum and qualification structure, with programmes developed and articulated within the National Qualifications Framework (NQF), encouraging an open and flexible system based on credit accumulation and multiple entry and exit points for learner. This will remove obstacles which unnecessarily limit learners' access to programmes, and enable proper academic recognition to be given for prior learning achieved, thus permitting greater horizontal and vertical mobility by learners in the higher education system. It would also break the grip of the traditional pattern of qualification based on sequential, year-long courses in single disciplines.
 - 5.2.2. To promote the development of a flexible learning system, progressively encompassing the entire higher education sector, with a diversity of institutional missions and programme mixes, a range of distant and face-to-face delivery mechanisms and support systems, using appropriate, cost-effective combinations of resource-based learning and teaching technologies.
 - 5.2.3. To improve the responsiveness of the higher education system to the present and future social and economic needs, including labour market trends and opportunities, the new relations between education and work, and in particular, the curricular and methodological changes that flow from the information revolution, the implications for knowledge production and the types of skills and capabilities required to apply or develop the new technologies.
- 5.3. The ultimate purpose, therefore, is to develop a higher education system that has a common goal of meeting national and regional needs in social, cultural and economic development based on diversified institutional types with varied and appropriate programme choices and combinations, thereby contribute to diminishing distinction between historically advantaged and historically disadvantaged which are a legacy of South Africa's history.

6. RECOGNITION OF INSTITUTIONAL TYPES

6.1. The criteria for the institutional types is set in terms of the scope of their operations, the range of their programme offerings and governance.

6.2. The criteria for recognition as a higher education institution shall entail the following:

6.2.1. **Scope and range:** Provided by section 3(3) of the Higher Education Act wherein the Minister 'may, in terms of policy and in the interest of the higher education system, determine the scope and range of operations of public and/or private higher education institutions', this policy sets the criteria for higher education institutional types

Scope refers to the mandate of the higher education institution in terms of the academic focus and activities in which it can legitimately participate. The scope includes the qualification types the institution may offer; the levels at which the qualifications may be offered; skills programmes it may offer, and its involvement or not in research activity.

Range refers to the variety of programmes and activities that an institution may (choose to) have or offer. It encompasses whether an institution is single-field focused or diversified within a study field or across academic fields such as information technology, health or life sciences.

6.2.2. **Governance:** Institutional governance structures of all higher education institutions are as stipulated in Section 26 (and read with Section 32) of the Higher Education Act, as follows:

6.2.2.1. may appoint a chancellor as its titular head.

6.2.2.2. must establish the following structures and offices:

- (a) a council;
- (b) a senate or academic board;
- (c) a principal;
- (d) a vice-principal;
- (e) a students' representative council;
- (f) an institutional forum; and
- (g) such other structures and offices as may be determined by the institutional statute.

- 6.2.2.3. The establishment, composition and governance of senate or academic board must be as stipulated in Section 32(2) of the Higher Education Act.

Council is the governing body and “must govern the public higher education institution”.

Composition of council of public higher education institutions is further elaborated under the specific institutional types below and is guided by Section 27(4) of the Higher Education Act and must be given effect by individual institutional statutes.

Senate is “the body contemplated in Section 28 [of the Higher Education Act], and includes an academic board”. Generally, universities attach specific criteria to membership of senate.

Thus, for purposes differentiation, especially between universities and university colleges, the latter being affiliate institutions to universities, this policy uses ‘**academic board**’ for higher education colleges and university colleges. As stipulated in Section 28 of the Act, *senate* and, therefore, academic board of a public higher education institution, is “accountable to the council for the academic and research functions of the public higher education institution and must perform such other functions as may be delegated or assigned to it by the council”.

- 6.2.3. Composition of senate of public higher education institutions is further elaborated under the specific institutional types below and is guided by Section 28 of the Act and must be given effect by individual institutional statutes as contemplated in Section 32 (2) of the Higher Education Act.

7. CRITERIA FOR HIGHER EDUCATION COLLEGES

A. *Scope and Range*

To be recognised as a Higher Education College, an institution shall meet the following criteria in terms of its scope and range of operations:

- 7.1. A Higher Education College shall focus on professional programmes in niche areas and skills development. It shall offer programmes in a specific field or discipline, for example, business studies; information and communication technology; agriculture; nursing; teaching; engineering; transport; etc., or a limited number of interconnected fields or domains, for example: allied health sciences such as nursing and emergency medical care; safety, security, policing and military studies; or, art, drama, film and design.
- 7.2. A Higher Education College shall focus on undergraduate teaching and learning providing a holistic approach to education and training in a limited number of cognate fields or domains of study and must provide a holistic approach to education and training and offer both the so-called 'soft' and 'hard' skills. The range or field of study will be, for example, in Clinical and Health Sciences; Engineering and Information Technology.
- 7.3. A Higher Education College must offer a range of qualifications, with no less than 60% being on the HEQSF, mainly leading to:
 - 7.3.1. Higher Certificates (occupational/ vocational/ foundational),
 - 7.3.2. Advanced Certificates,
 - 7.3.3. Diplomas (occupational and/or vocational),
 - 7.3.4. Bachelor's degrees,
 - 7.3.5. Fewer programmes may lead to qualifications or part qualifications on the QQSF and/or GENFETQSF; in one or two specialised fields or advanced diplomas, and
 - 7.3.6. May also offer short skills courses which are not linked to qualifications but form part of continuous professional development or short programmes leading to the acquisition of specific industry-related skills.
- 7.4. A Higher Education College shall have no mandate to undertake research. However, colleges must provide cutting-edge research-based curriculum, teaching and learning and be well-resourced to pursue these objectives.

- 7.5. Specialised Higher Education Colleges, such as nursing and agricultural colleges, will initially primarily offer the Higher Certificate and Diploma (NQF level 5 and 6). As a minimum, such colleges must have produced three cohorts of graduates before applying to offer Advanced Diplomas and Bachelor's degrees.
- 7.6. Specialised Higher Education Colleges may offer Advanced Diplomas and general Bachelor's degrees upon approval by the Minister.
- 7.7. Qualifications must articulate both vertically and horizontally, where undergraduate education must articulate into post graduate qualifications offered by other higher education institutions.
- 7.8. Partnerships and collaborations with other higher education institutions are encouraged to ensure articulation into University Colleges and Universities.

B. Governance

- 7.9. The governance and management structures of Higher Education Colleges shall be as contemplated in Chapter 4 (and read with Chapter 6A) of the Higher Education Act.
- 7.10. For the purposes of differentiation in terminology and powers between governing bodies of higher education institutions, a Higher Education College is governed by a governing board.
- 7.11. The board of a Higher Education College consists of -
 - 7.11.1. a chairperson; and
 - 7.11.2. not more than 10 ordinary members.
- 7.12. The majority of members of the governing board must have specific knowledge and experience in -
 - 7.12.1. higher education generally; and
 - 7.12.2. the scope of application for which a specialised institution had been established, in the case of specialised higher education colleges.

- 7.12.3. The board may co-opt persons to the board, for a period not exceeding the term of office of the board and these co-opted persons have no voting rights.
- 7.13. The chairperson of the board shall be appointed in terms of the procedure outlined in the Institutional Statute contemplated in Section 32 of the Higher Education Act.
- 7.14. The board must establish:
- 7.14.1. an executive committee;
 - 7.14.2. an audit and risk committee;
 - 7.14.3. a human resources and remuneration committee; and
 - 7.14.4. any other committee, and/or as prescribed by the Minister.
- 7.15. An academic board is responsible for the academic enterprise and, as stipulated in Section 28 of the Higher Education Act, it is 'accountable to the council for the academic functions of the public higher education institution and must perform such other functions as may be delegated or assigned to it by the council'.
- 7.16. The academic board must consist of:
- 7.16.1. principal;
 - 7.16.2. vice-principals;
 - 7.16.3. academic employees of the public Higher Education College;
 - 7.16.4. employees of the public Higher Education College other than academic employees;
 - 7.16.5. members of the governing board;
 - 7.16.6. members of the students' representative council; and
 - 7.16.7. such additional persons as may be determined by the institutional statute.
 - 7.16.8. The number of persons contemplated in each of the subsections from **7.16.3** to **7.16.7** and the manner in which they are appointed or elected, as the case may be, must be determined by the institutional statute.
 - 7.16.9. The majority of members of the academic board must be academic employees of the public Higher Education College.
- 7.17. A public Higher Education College shall be managed by a principal and supported by an executive team as stipulated in the statute and approved by the Minister.

8. CRITERIA FOR A UNIVERSITY COLLEGE

- 8.1. A University College is a higher education institution that is planned to develop or grow or evolve into a university over time, under the trusteeship of an existing established university (whether public or private) and funded (whether publicly or privately) for this purpose.
- 8.2. To be recognised as a University College, an institution will be established, converted or declared by the Minister in terms of Section 21 of the Higher Education Act.
- 8.3. Any new or contemplated university must initially be established as a University College which, for governance and quality assurance purposes, will enable the development of the necessary administrative, management, academic and quality assurance systems which are critical to the successful establishment of an autonomous university, with the support and under the guidance of the institution to which the university college is affiliated.
- 8.4. Before establishing a University College, a feasibility study must be undertaken to show the need for a new university and the long-term funding required for its developmental growth and sustainability into the future. This study must define the future, nature and scope of the intended or envisaged university within a long-term development plan and in line with the criteria for recognition as a university.
- 8.5. An existing Higher Education College, or a campus of an existing university may be identified for conversion/ declaration as a University College, in terms of Section 21 of the Higher Education Act, should it be positioned to evolve over time into a university. In this case, the institution must have been offering a full range of undergraduate qualifications (NQF level's 5 to 8) and with potential to undertake research and offer post graduate qualifications at NQF levels 9 and 10 in specific fields/ domains.
- 8.6. In the case of a public institution the decision to declare as a University College shall be made in relation to, and on the basis of, a national plan for the expansion of university education with funding in the vote appropriated for that purpose.
- 8.7. In the case of an existing private institution, an application for registration as a private University College must be made in accordance with the regulations for registration.

- 8.8. A solid administrative, management, academic and governance foundation must be laid before a fully autonomous university is established.
- 8.9. The Minister may establish a University College once funding is secured for infrastructure and operations from a budget vote, in the case of a public institution, or in a private fund or trust identified for that purpose in the case of a private institution.
- 8.10. Once the University College has sufficient and sustained student enrolments across all undergraduate and post graduate programmes, and some research activities and stable management capability on its campus(es) to become self-sufficient, the Minister may declare it as an independent university (whether public or private) in terms of Section 21 of the Higher Education Act and after due diligence has been conducted.
- 8.11. The university college model seeks to ensure support in the process of building governance and management structures; the management of quality and quality assurance capacity in parallel with the development of the policies, operations and systems necessary for the establishment of an autonomous institution and, at the same time, it enables the envisaged new university to establish its own identity.

A. *Scope and Range*

- 8.12. Initially a University College will offer a range of selected undergraduate qualifications in line with its future mandate determined during the feasibility study. If it is a newly established public university college, this phase may take approximately 5 years. If it is converted or declared from an existing college or campus of a university, it should immediately be offering a full range of undergraduate programmes and possibly some post graduate programmes and the developmental trajectory would be much faster.
- 8.13. A University College shall focus on undergraduate teaching and learning providing a holistic approach to education and training in a relatively broad number of cognate fields or domains of study, compared to Higher Education Colleges, and must provide a holistic approach to education and training.
- 8.14. A University College must offer a range of qualifications, with no less than 85% being on the HEQSF, mainly leading to:
- 8.14.1. Higher Certificates (occupational/ vocational/ foundational),
 - 8.14.2. Advanced Certificates,

- 8.14.3. Diplomas (occupational and/or vocational),
 - 8.14.4. Bachelor's degrees,
 - 8.14.5. Fewer programmes may lead to qualifications or part qualifications on the OQSF and/or GENFETQSF; in one or two specialised fields or advanced diplomas, and
 - 8.14.6. May also offer short skills courses which are not linked to qualifications but form part of continuous professional development or short programmes leading to the acquisition of specific industry-related skills.
- 8.15. Once the initial undergraduate offerings are established, a University College will begin to offer a wider range of undergraduate programmes and offer post-graduate qualifications in the areas of the initial undergraduate qualifications.
- 8.16. Within ten years of its establishment the University College will be offering a full range of undergraduate and a substantive range of post graduate programmes envisaged for the intended university.
- 8.17. A University College must develop a niche area on research and must provide cutting-edge research-based curriculum, teaching and learning and be well-resourced to pursue these objectives.
- 8.18. Qualifications must articulate both vertically and horizontally, where undergraduate education must articulate into post graduate qualifications offered by other higher education institutions.

B. Governance

- 8.19. The governance and management structures of University Colleges shall be as contemplated in Chapter 4 (and read with Chapter 6A) of the Higher Education Act.
- 8.20. For the purposes of differentiation in terminology and powers between governing bodies of higher education institutions, a University College is governed by a governing board.
- 8.21. The governing board must govern the University College in concurrence with the university council to which the college is affiliated.

8.22. The board of a University College consists of-

- 8.22.1. a chairperson; and
- 8.22.2. not more than 10 ordinary members.

8.23. The majority of members of the governing board must have specific knowledge and experience in-

- 8.23.1. higher education generally; and
- 8.23.2. the scope of application for which a specialised institution had been established, in the case of a University College that had initially been established as a specialised Higher Education College.
- 8.23.3. The board may co-opt persons to the board, for a period not exceeding the term of office of the board and these co-opted persons have no voting rights.

8.24. The chairperson of the board shall be appointed in terms of the procedure outlined in the Institutional Statute contemplated in Section 32 of the Higher Education Act.

8.25. The board must establish:

- 8.25.1. an executive committee;
- 8.25.2. an audit and risk committee;
- 8.25.3. a human resources and remuneration committee; and
- 8.25.4. any other committee, and/or as prescribed by the Minister.

8.26. For a University College an academic board is responsible for the academic enterprise and, as stipulated in Section 28 of the Higher Education Act, it is 'accountable to the council for the academic functions of the public higher education institution and must perform such other functions as may be delegated or assigned to it by the council'.

8.27. The academic board must consist of:

- 8.27.1. principal;
- 8.27.2. vice-principals;
- 8.27.3. academic employees of the public University College;
- 8.27.4. employees of the public University College other than academic employees;
- 8.27.5. members of the governing board;

- 8.27.6. members of the students' representative council; and
- 8.27.7. such additional persons as may be determined by the institutional statute.
- 8.27.8. The number of persons contemplated in each of the subsections from **8.27.3** to **8.27.7** and the manner in which they are appointed or elected, as the case may be, must be determined by the institutional statute.
- 8.27.9. The majority of members of the academic board must be academic employees of the public Higher Education College.

8.28. A public University College shall be managed by a principal and supported by an executive team as stipulated in the statute and approved by the Minister.

9. CRITERIA FOR A UNIVERSITY

- 9.1. In general, universities are large-scale institutions focusing on undergraduate and post graduate higher education across a wide range of disciplines, fields or domains of study and active in research, knowledge production and innovation, and engaged within local, national and international communities.
- 9.2. Depending on a range of operations across undergraduate and post-graduate teaching and research, emphasis on its activities will determine whether a university is teaching-led, comprehensive, or research-led. In the case of a public university the Minister, through the prescripts of Section 3(3) of the Higher Education Act, may determine and assign the scope and range of operations which would be embedded as a mandate of a university.
- 9.3. The core mandate of a university is teaching and learning, research and community engagement.
- 9.4. A university must possess extensive research capabilities (basic, applied, strategic and developmental) across a broad range of areas.
- 9.5. A university must have its mission aligned to postgraduate study and research.

A. *Scope and Range*

- 9.6. To be recognised as a university, an institution must offer a range of undergraduate, HEQSF levels 5 to 7 or 8 programmes, and post graduate, HQESF levels 8 to 10 programmes.
- 9.7. At least 95% of formal qualifications must be on the HEQSF. The remaining 5% may comprise some programme offerings that may lead to qualifications or part qualifications on the OQSF and may also include short skills programmes designed for continuous professional development of graduates or general continuing education for adults.

9.8. A University:

- 9.8.1. must undertake research and produce knowledge contributing to the national development needs and international scholarship, and demonstrate a culture of sustained scholarship evidenced in peer reviewed academic publications which inform teaching and learning in all its academic fields.
- 9.8.2. must be involved in engagement activities within its locality contributing to the wider development of its community.
- 9.8.3. Must be active and with tangible outcomes in academic internationalisation activities.

9.9. A Comprehensive university and a University of Technology must focus 60% of their research activities and outputs on applied research.

9.10. A Comprehensive university and a University of Technology must offer 30% of their qualifications on technology-based programmes.

9.11. At least 5% of the enrolments on formal HEQSF qualifications offered must be at the post graduate level.

9.12. At least 50% of the formal HEQSF programmes must be offered at doctoral level.

B. Governance

9.13. The governance and management structures of universities shall be as contemplated in Chapter 4 of the Higher Education Act.

10. TRANSITIONAL ARRANGEMENTS

- 10.1. The existing institutional statutes and rules of public higher education institutions remain in force at the commencement of this policy and continue to apply until such time they will have been amended accordingly.
- 10.2. The respective existing regulatory oversight on public and private higher education institutions remain in force.
- 10.3. While the colleges of education were fully incorporated into the higher education sector as subdivisions of universities and Technikons in 2001 (Government Gazette, Vol 426, No. 21913, December 2000) other public colleges offering higher education qualifications, such as colleges of Agriculture and Nursing, continue to operate outside of the mandate of the Department of Higher Education and Training and under concurrent provincial and national departments. Schedule 4 of the Constitution of the Republic of South Africa (1996, Act No 108 of 1996) identifies all tertiary education as a national competence. These colleges' programmes and qualifications must be accredited by the Quality Council (QC) responsible for higher education, thus responsible for the Higher Education Qualifications Sub-Framework (HEQSF). Once they are transferred to national competence they would then be declared as colleges under the Higher Education Act. In terms of section 68(d) of the Act it is possible for these colleges to be administered under any appropriate national department in line with policy developed by the Minister.
- 10.4. The appropriate standard institutional statute contemplated in Section 33(3) of the Higher Education Act shall be enforced in the case where an established public higher education institution does not yet have one.

11. CONVERSION

- 11.1. Every higher education institution, whether public or private, has a purpose, mandate and mission. Each institutional type has an important role to play in ensuring that the full range of qualifications from mid- to high-level skills are developed for the country to ensure well-educated citizens and a capable workforce, as well as ensuring sufficient research capability to drive knowledge production and innovation.
- 11.2. Nevertheless, each institution may have potential and the possibility to expand and develop and transition into a different institutional type over time.

11.3. In terms of Section 65AB

(1) The Minister may, at the request of the council of the institution concerned, after consultation with the CHE, by notice in the Gazette, change the type of a higher education institution concerned or amend or remove any restrictions on the scope and operations of a public higher education institution contemplated in sections 3 (1) and 20 (4).

(2) The Minister must, before acting under subsection (1), comply with the provisions of section 23 (2), with the changes required by the context.

(3) The provisions of subsections (1) and (2) shall apply to registered private higher education institutions, subject to the necessary changes

11.4. Before its establishment, conversion or declaration of an institution as a higher education college, a university college, or a university, feasibility studies must be undertaken; a funded development plan produced; and funding identified and secured (whether through the vote of funds for public higher education institutions or private funds for private higher education institutions) for the Minister to consider its establishment, conversion or declaration in the case of a public institution, or registration in the case of a private institution.

12. APPLICATION, REPORTING AND IMPLEMENTATION

12.1. This policy applies to all Higher Education Institutions as defined in Section 1 of the Higher Education Act (Act 101 of 1997, as amended).

12.2. Compliance of the institutions with the criteria will be monitored through the existing reporting regulations for both private and public higher education institutions. The existing reporting tools may be revised accordingly and for this purpose.

12.3. Higher education institutions that fail to meet the criteria for their officially recognised institutional type will be reviewed for suitability and may be declared as a different institutional type or incorporated as a subdivision of an existing higher education institution by the Minister in terms of section 21 of the Higher Education Act. Or even be subject to closure in terms section 25 of the Act.

12.4. Private higher education institutions that fail to meet the criteria for their officially recognised institutional type will be subject to deregistration and/or change in registration in line with the regulations for registration as a PHEI published in terms of section 60 of the Act.

13. REVIEW OF THE CRITERIA

13.1. The criteria for the recognition of institutional types will be reviewed and updated every five years in line with the development of the higher education landscape.

14. EFFECTIVE DATE OF IMPLEMENTATION

14.1. This policy will be effective from the date of publication of the Gazette.

15. ANNEXURES

15.1. The following forms for various types of applications will be designed and published separately.

Annexure A: Application to be a Higher Education College

Annexure B: Application to be a University College

Annexure C: Application to be a University

Annexure D: Conversion Application

Annexure E Appeals