



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 706 26 April 2024 No. 50569

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ISSN 1682-5845



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DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 4757

26 April 2024

HIGHER EDUCATION ACT, 1997 (ACT NO.101 OF 1997)

DRAFT POLICY FOR THE RECOGNITION OF SOUTH AFRICAN HIGHER EDUCATION INSTITUTIONAL TYPES DETERMINED IN TERMS OF SECTION 3 OF THE HIGHER EDUCATION ACT

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, hereby publish the second draft of the *Policy for Recognition of the South African Higher Education Institutional Types*, determined in terms of section 3 (1) of the Higher Education Act (Act 101 of 1997, as amended) for public comment.

The policy defines the institutional types as outlined in the Higher Education Act Section 3(1) c. The aim of the policy is to provide a diverse range of institutional types in the South Africa Post School and Education system that is well articulated.

The draft policy is available on the website of the Department of Higher Education and Training, www.dhet.gov.za Interested persons, institutions and organisation are invited to submit written comments on the draft policy to The Director-General; the Department of Higher Education and Training; Private Bag X174; Pretoria, 0001 for the attention of Dr Idah Makukule or direct email submission at Makukule.I@dhet.gov.za.

Submissions or comments must reach the Department within thirty 30 days after the date of publication of this notice.



Prof BE Nzimande, MP

Minister of Higher Education, Science and Innovation

Date: 08/04/2024



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

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)

February 2024

PREAMBLE

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

Section 3(1) of the Higher Education Act (the Act), states that: "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, 21, 22 and 23 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 the 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".

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 as 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 AND ABBREVIATIONS

CHE	Council on Higher Education
The Department	Department of Higher Education and Training
HEI	Higher Education Institution
HEQF	Higher Education Qualification Framework
HEQSF	Higher Education Qualification Sub-Framework
NQF	National Qualifications Framework
OQSF	Occupational Qualification Sub-Framework
PSET	Post school Education and Training
PHEI	Private Higher Education Institution
QCTO	Quality Council for Trade and Occupations
RPL	Recognition of Prior Learning
SAQA	South African Qualifications Authority

2. DEFINITIONS

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

Academic employee means any person appointed to teach or to conduct research at a 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.

Articulation means the process of forming possibilities of connection between qualifications and/or part-qualifications to allow for the vertical, lateral, and diagonal movement of students through the formal education and training system and its linkages with the world of work. *Thus, a commitment to all levels of the post-school education and training system to ensure equitable access and quality education.*

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) of the Act 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), regardless of whether such programmes are in fact registered or not on the sub-framework.

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 Science and Innovation.

Part qualification means an assessed unit of learning with a defined outcome that is or will be, registered as part of a qualification on the NQF.

Private higher education institution means any institution registered or conditionally registered as a private higher education institution in terms of Chapter 7 of the 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 performing any or all of the following functions:

- 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 means a formal recognition of a national qualification registered on the NQF in terms of the Act consisting of a planned combination of learning outcomes that is intend to provide qualifying persons with applied competence and a basis for further learning which has been assessed in terms of exit level outcomes and certified and awarded by a recognised body.

Range means 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.

Recognition of Prior Learning (RPL) means the principles and processes through which prior knowledge and skills of a person are made visible, mediated and assessed for the purposes of alternative access and admission, recognition and certification, or further learning and development.

SAQA means the South African Qualifications Authority established under the South African Qualifications Authority Act established in terms of the repealed SAQA Act, No. 58 of 1995 and continuing in terms of the NQF Act o, No 67 of 2008. Which oversees the further development and implementation of the NQF, the achievement of the objectives of the NQF and the co-ordination of the three sub frameworks.

Scope assesses the breadth of academic fields in which a higher education institution can operate and identifies areas of specialisation and diversity. It includes the qualification type 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 activities.

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 *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 higher education institutional types that offer multiple entry points into the PSET system, set to meet the multiple goals of an effective, efficient, responsive, and transformed higher education sector needed. Furthermore, the system should be diversified with different institutional types, for bridging between vocational or occupational programmes and academic programmes to promote articulation.
- 3.2. These diverse institutions will provide for several types/ modes of learning that define a post-school system, with qualifications aligned with the National Qualifications Framework (NQF) and provide curriculum comparability, even though there may be diversification of content, access is possible. Thus, creating a post-school education and training system articulated by design, rather than default.
- 3.3. South Africa's higher education system is viewed as a part of a Post- School Education and Training (PSET) and comprises twenty-six (26) public higher education institutions, hundred and thirty-five (135) private higher education providers, fifty (50) public TVET colleges (these were transferred from a provincial to a national competence in 2015) and two hundred and ninety one (291) registered private TVET colleges. Nine Community colleges, established in each province and Community Education and Training (CET) encompassing 1791 public Adult Education and Training (AET) centres, these were also transferred from the provinces to the Department as a national competence in 2015.
- 3.4. 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 the mandate of the Department of Higher Education and Training (herein the Department) and under concurrent provincial and national departments.
- 3.5. Schedule 4 of the Constitution of the Republic of South Africa (Act No 108 of 1996) identifies tertiary education as a national competence. Programmes and qualifications offered by these colleges must be accredited by the Quality Council (QC) responsible for higher education, thus ensuring alignment with the relevant Higher Education Qualifications Sub-Framework (HEQSF). Once transferred to national competence these colleges can be declared as public higher education colleges under the Higher Education Act.
- 3.6. Private institutions are classified as private higher education colleges. 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.
- 3.7. Historically, the university college model served as the basis for the developmental trajectory of universities in South Africa through the University of the Cape of Good Hope 1873 (and later the University of South Africa 1916), which was the affiliate

university for the conferring of degrees. In addition, the university college or affiliate college model is common in many parts of the world. The advantage of the university college model is that it ensures gradual growth of the higher education institution and supports the building of the management and quality assurance capacity in parallel with the development of the policies and systems necessary for the establishment of an autonomous institution and, at the same time enables the new institution to establish its own identity.

- 3.8. Similarly, higher education colleges will be used as a growth point for access to higher education institutions as they will fill the need for undergraduate institutions to provide higher education in specific technical and professional domains to improve the production of mid to high level skills in niche areas that respond to the needs of society. Higher education colleges will provide a wider range of choices for young people exiting the schooling system with a National Senior Certificate.
- 3.9. There have been initiatives that have led to a reconfiguration of the South African higher education system. Such initiatives have targeted the architecture of education and training in the country. Despite the changes, higher education institutions continue to show their broad range of mandates, defined educational and social purposes to the production of knowledge and successful graduates.
- 3.10. Private higher education institutions have become a feature of the higher education landscape. They 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. The current higher education landscape classifies private higher education institutions as higher education colleges. The determination of this policy enables the potential for expanded access for first time entrants into the higher education landscape. Similarly, public higher education institutions that have the potential to be classified as higher education colleges may be in existence.
- 3.11. *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 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 expanding 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.
- 3.12. 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. Furthermore, 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).

- 3.13. The three types of Higher Education Institutions (HEIs) in the Act are defined in terms of scope and range of their operations. It is proposed that this definition be amended to read:

i) Higher Education Colleges are higher education institutions, providing higher education but have a relatively limited range and scope, focusing on undergraduate and skills development programmes, with specialised focus on subject matters with key components specified as knowledge/theory and application.

ii) University Colleges are higher education institutions providing higher education, but with a limited scope and range focusing on undergraduate, skills and professional programmes and must develop niche areas underpinned by academia and industry. University Colleges can be declared as incorporated subdivision of a university, thus enabling the developmental growth trajectory of new universities. The amalgamation of a university college into an established university offers the possibilities of creating firmer articulation routes, and more market opportunities for graduates.

iii) Universities are higher education institution providing higher education with a broad scope and range of operations, including undergraduate and postgraduate higher education programmes, research and community engagement. These institutions offer a broad range of subject matters with an academic, theoretical focus.

- 3.14. To give effect to the implementation of the Higher Education Act and fulfil the objectives set out in the higher education policies, criteria for recognition of the three institutional types must be developed, further, the scope and range of operations should be outlined.

4. LEGISLATIVE AND POLICY PROVISIONS

- 4.1. 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 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 (2019); the Higher Education Qualifications Sub-Framework (HEQSF, 2014) and the National Plan for Post School Education and Training (NPPSET, 2021).

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 contributes to the socialisation of enlightened, responsible and constructively critical citizens. Thus, further contributing to the creation, sharing and evaluation of knowledge. A higher education that imbues the pursuit of academic scholarship and intellectual inquiry in all fields of human understanding through research, learning and teaching (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 learners. 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.
- 5.3. 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 contributing to diminishing distinction between historically advantaged and historically disadvantaged institutions which are a legacy of South Africa's history.

6. CRITERIA FOR HIGHER EDUCATION COLLEGES

- 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 in accordance with the Higher Education Act for the composition and functions of council

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:

- 6.2. 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.
- 6.3. 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. There will be a limited number of subject matters based on niche areas. Qualifications must commence from the higher certificate in line with the articulation policy.
- 6.4. A Higher Education College must offer a range of qualifications, with no less than 60% being on the HEQSF, mainly leading to:
- 6.4.1. Higher Certificates (occupational/ vocational/ foundational, academic),
 - 6.4.2. Advanced Certificates,
 - 6.4.3. Diplomas (occupational and/or vocational, academic),
 - 6.4.4. Bachelor's degrees,
 - 6.4.5. 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
 - 6.4.6. 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.
- 6.5. A Higher Education College may conduct applied research based on curriculum, teaching and learning as well as community development. The colleges should be well-resourced to pursue these objectives. The higher education college should locate themselves in the broader development agenda of where they are geographically located.

- 6.6. Higher Education Colleges which specialise in fields, such as nursing and agricultural colleges, will initially primarily offer the Higher Certificate and Diploma (NQF level 5 and 7). As a minimum, such colleges must have produced three cohorts of graduates before applying to offer Advanced Diplomas and Bachelor's degrees.
- 6.7. Higher education colleges can apply to offer post-graduate qualifications on condition that they already offer bachelor's degrees and have adequate resources to support the offering of qualifications at any post-graduate level, from NQF8 to 10.
- 6.8. 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. These higher education colleges should show their stability and quality of education prior to expansion. In this case, the institution must have been offering a full range of undergraduate qualifications (NQF levels 5 to 8) and with potential to undertake research and offer post graduate qualifications at NQF levels 9 and 10 in specific fields/ domains.
- 6.9. Qualifications must articulate both vertically and horizontally within the institution and across institutions. Partnerships and collaborations with other higher education institutions are encouraged to ensure articulation into University Colleges and Universities.

B. Governance

- 6.10. The governance and management structures of Higher Education Colleges shall be contemplated as in Chapter 4 (and read with Chapter 6A) of the Higher Education Act.
- 6.11. The council of a Higher Education College consists of -
 - 6.11.1. a chairperson; and
 - 6.11.2. not more than 10 ordinary members.
- 6.12. The majority of members of the council must have specific knowledge and experience in -
 - 6.12.1. higher education generally; and
 - 6.12.2. the scope of application for which a specialised institution had been established, in the case of specialised higher education colleges.
 - 6.12.3. The council 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.
- 6.13. The chairperson of the council shall be appointed in terms of the procedure outlined in the Institutional Statute contemplated in Section 32 of the Higher Education Act.
- 6.14. The council must establish:
 - 6.14.1. an executive committee;

- 6.14.2. an audit and risk committee;
 - 6.14.3. a human resources and remuneration committee; and
 - 6.14.4. any other committee, and/or as prescribed by the Minister.
- 6.15. A senate 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'.
- 6.16. The senate must consist of:
- 6.16.1. principal;
 - 6.16.2. vice-principals;
 - 6.16.3. academic employees of the public Higher Education College;
 - 6.16.4. employees of the public Higher Education College other than academic employees;
 - 6.16.5. members of the governing board;
 - 6.16.6. members of the students' representative council; and
 - 6.16.7. such additional persons as may be determined by the institutional statute.
 - 6.16.8. The number of persons contemplated in each of the subsections from **6.16.3** to **6.16.7** and the manner in which they are appointed or elected, as the case may be, must be determined by the institutional statute.
 - 6.16.9. The majority of members of the senate must be academic employees of the Higher Education College.
- 6.17. A 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.
- 6.18. Higher education colleges declared/ established through the act and this policy shall be prioritised with respect to accreditation and development of governing instruments.

7. CRITERIA FOR A UNIVERSITY COLLEGE

- 7.1. A University College will be a higher education institution planned to gradually develop into a university over time, which can be a standalone or operate as incorporated subdivision of an existing established university (whether public or private) and funded (whether publicly or privately) for this purpose.
- 7.2. While the growth trajectory for declaration as a university is the main aim, there is a possibility for higher education institutions to remain as a University College. With this approach, there is further reinforcement of diverse higher education institutions, thus ensuring that students have access to a range of educational opportunities tailored to their interest and career aspirations.
- 7.3. To be recognised as a University College, an institution shall be established, converted or declared by the Minister in terms of Section 21 of the Act.
- 7.4. Any new or contemplated university must initially be established as a University College or evolve from a Higher Education College. This phased approach allows for the development of essential 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. The progression from a Higher Education college enables the institutions to build robust governance structures and ensuring quality educational standards.
- 7.5. In the case of a public institution, the decision to be declared as a University College shall be made in relation to, and on the basis of, a national plan for the expansion/diversification of university education with funding in the vote appropriated for that purpose.
- 7.6. 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.
- 7.7. A solid administrative, management, academic and governance foundation must be laid before a fully autonomous university is established.
- 7.8. The Minister may establish a University College once funding is secured for infrastructure and operations from a Parliamentary budget vote, in the case of a public institution, or from a private fund or trust identified for that purpose in the case of a private institution.
- 7.9. Once the University College demonstrates sufficient and sustained student enrolments across undergraduate and post graduate programmes, along with research activities, community engagement 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.
- 7.10. 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

- 7.11. 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 9 years. If it is converted or declared from an existing college or campus of a university, it should immediately offering a full range of undergraduate programmes and possibly some postgraduate programmes and the developmental trajectory would be much faster. The rapid expansion is facilitated by the existing infrastructure, resources and institutional framework inherited from the affiliated higher education institution.
- 7.12. 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.
- 7.13. A University College must offer a range of qualifications, with no less than 85% being on the HEQSF, mainly leading to:
- 7.13.1. Higher Certificates (occupational/ vocational/ foundational, academic);
 - 7.13.2. Advanced Certificates;
 - 7.13.3. Diplomas (occupational and/or vocational, academic); and
 - 7.13.4. Bachelor's degrees.
 - 7.13.5. 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
 - 7.13.6. 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.
- 7.14. Once the initial undergraduate offerings are established, a University College will begin to offer a wider range of undergraduate programmes and offer postgraduate qualifications in the areas of the initial undergraduate qualifications and engage in community development.
- 7.15. 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.
- 7.16. A University College must develop a niche area of research, commencing from basic research to applied research in its discipline teaching and learning. It must be well-resourced to pursue these objectives.
- 7.17. Qualifications must articulate both vertically and horizontally within the institution and across institutions.

B. Governance

- 7.18. 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.
- 7.19. The council shall govern the University College in concurrence with the university council to which the college is affiliated as approved by the Department.
- 7.20. The council of a University College consists of -
- 7.20.1. a chairperson; and
 - 7.20.2. not more than 10 ordinary members.
- 7.21. The majority of members of the council must have specific knowledge and experience in -
- 7.21.1. higher education generally; and
 - 7.21.2. the scope of application for which a specialised institution has been established, in the case of a University College that had initially been established as a specialised Higher Education College.
 - 7.21.3. The council 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.
- 7.22. The chairperson of the council shall be appointed in terms of the procedure outlined in the Institutional Statute contemplated in Section 32 of the Higher Education Act.
- 7.23. The council must establish:
- 7.23.1. an executive committee;
 - 7.23.2. an audit and risk committee;
 - 7.23.3. a human resources and remuneration committee; and
 - 7.23.4. any other committee, and/or as prescribed by the Minister.
- 7.24. For a University College Senate 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'.
- 7.25. The senate must consist of:
- 7.25.1. principal;
 - 7.25.2. vice-principals;
 - 7.25.3. academic employees of the University College;
 - 7.25.4. employees of the University College other than academic employees;
 - 7.25.5. members of the council;
 - 7.25.6. members of the students' representative council; and

- 7.25.7. such additional persons as may be determined by the institutional statute.
- 7.25.8. The number of persons contemplated in each of the subsections from **7.27.3** to **7.27.7** and the manner in which they are appointed or elected, as the case may be, must be determined by the institutional statute.
- 7.25.9. The majority of members of the Senate must be academic employees of the University College.
- 7.26. A University 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

- 8.1. In general, universities are large-scale institutions, with significant student population, faculty, staff, and infrastructure. Depending on the typology classification (comprehensive, traditional or university of technology), they have the capacity to accommodate a diverse range of academic programmes, research activities, community development and support services. Universities focus on undergraduate and postgraduate 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.
- 8.2. There are three typologies recognised for universities in South Africa:
- 8.2.1. *Comprehensive Universities* offer a mix of general formative/academic degrees, professional degrees, career oriented vocational, diplomas and certificates at undergraduate level and a mix of research and professionally oriented diplomas and degrees at postgraduate level.
 - 8.2.2. *Traditional Universities* offer a range of general formative/ academic degrees and professional degrees at undergraduate and a range of research-oriented degrees at postgraduate level.
 - 8.2.3. *Universities of Technology* offer career oriented vocational/technology-based degrees, diplomas and certificates at undergraduate level and applied technical and professionally oriented degrees at postgraduate levels.
- 8.3. Depending on the range of operations across undergraduate and post-graduate teaching and research, emphasis on these activities will determine whether a university is teaching-led, comprehensive, or research-led. In the case of a public university, the Minister after consultation with the institution, confirm the assignation which will be embedded as an aspect of the university's mission. In the case of a private university this assignation will be applied for as part of the registration process and confirmed by the Registrar.

A. *Scope and Range*

- 8.4. To be recognised as a university, an institution must offer a range of undergraduate, HEQSF levels 5 to 7 or 8 programmes, and postgraduate, HQESF levels 8 to 10 programmes.
- 8.5. 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.

8.6. A University:

- 8.6.1. 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;
 - 8.6.2. must be involved in engagement activities within its locality contributing to the wider development of its community;
 - 8.6.3. Must be active and with tangible outcomes in academic internationalisation activities.
- 8.7. A Comprehensive University and a University of Technology must focus 60% of their research activities and outputs on applied research.
- 8.8. A Comprehensive University and a University of Technology must offer 30% of their qualifications on technology-based programmes.
- 8.8.1. Traditional universities mainly offer a range of general formative/ academic degrees and professional degrees at undergraduate level and a range of research-oriented degrees at post-graduate level.
- 8.9. At least 5% of the enrolments in formal HEQSF qualifications offered must be at the post graduate level.
- 8.10. At least 50% of the formal HEQSF programmes must be offered at doctoral level.

B. Governance

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

9. TRANSITIONAL ARRANGEMENTS

- 9.1. 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 have been amended accordingly.
- 9.2. 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.
- 9.3. The respective existing regulatory oversight on public and private higher education institutions remain in force.

10. CONVERSION

10.1. 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) Higher education institutions will be afforded an opportunity to be heard in accordance with regulations, inspect the higher education concerned, and if satisfied that the higher education institution is unable to contribute to its objectives as either of the three types as set out in the act and policy, a recommendation for conversion can be made.
 - (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.
- 10.2. Before the 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. Each institution may have potential and the possibility to expand and develop and transition into a different institutional type over time.

11. APPLICATION, REPORTING AND IMPLEMENTATION

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

- 11.2. Compliance of the higher education 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.
- 11.3. 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 be subject to closure in terms of section 25 of the Act.
- 11.4. 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.

12. REVIEW OF THE CRITERIA

- 12.1. The criteria for the recognition of institutional types will be reviewed and updated every five years or as when the need arises in line with the development of the higher education landscape.

13. EFFECTIVE DATE OF IMPLEMENTATION

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