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GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 441

19 June 2013

HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)**CALL FOR COMMENTS ON THE DRAFT REGULATIONS FOR THE ESTABLISHMENT OF A NATIONAL INSTITUTE FOR THE HUMANITIES AND SOCIAL SCIENCES**

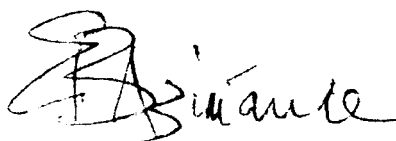
I, Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 69, read with sections 38A; 38B and 38C, intend to make Regulations and hereby publish the draft Regulations for the establishment of a National Institute for the Humanities and Social Sciences, as set out in the Schedule.

All interested persons and organisations are invited to comment on the draft Regulations in writing, and to direct their comments to –

The Director-General, Private Bag X174, Pretoria, 0001, for attention: Mr V Rikhotso, email Rikhotso.v@dhet.gov.za; fax: 086 298 9717.

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting the comments.

The comments on the draft Regulations for the establishment of a National Institute for the Humanities and Social Sciences must be submitted not later than 21 working days from date of publishing of this notice.



Dr BE Nzimandé, MP

Minister of Higher Education and Training

Date:

12/06/13

SCHEDULE**CHAPTER 1****DEFINITIONS****Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act bear the meaning so assigned and, unless the context indicates otherwise-

“African Pathway” means to create an open and dynamic process through which African scholars co-operate, collaborate and help each other reflect on the past, the present and the future of this continent;

“Catalytic Project” means-

- (a) a research programme - which opens up new prospects and views for a Humanities and Social Science Scholarship and which has profound implications for the academic curriculum;
- (b) to establish a network of researchers across the University system in South Africa, which may include a network of researchers and collaborations beyond the borders of South Africa;
- (c) to assist the development of research;

“DHET” means the Department of Higher Education and Training; and

“NIHSS” means the National Institute for Humanities and Social Sciences established in terms of section 38A of this Act and Regulation 2.

CHAPTER 2

ESTABLISHMENT, SCOPE OR APPLICATION

Establishment of NIHSS

2. (1) The National Institute for the Humanities and Social Sciences is hereby established as a juristic person, in accordance with the scope or application as contemplated in Regulations 2 and 3.
- (2) The physical location and official address of the NIHSS is First Floor, Block B, Empire Park, 55 Empire Road, Parktown Extension, Johannesburg.
- (3) The Minister must appoint an interim board for a period not exceeding six months, to perform the functions relating to the day to day governance of the NIHSS, which functions of the interim board will focus primarily on the nominations and appointment of the members of the board as contemplated in regulations 5 and 6.
- (4) The Minister may extend the period referred to in sub regulation (3) once for a further period not exceeding six months.
- (5) The members of the interim board contemplated in sub regulation (3) are appointed by the Minister and shall consist of -
- (a) the chairperson; and
 - (b) five other members..
- (6) The members of the interim board must co-opt not more than two experts in relevant fields, who will not have voting rights.
- (7) The appointment of the members of the interim board contemplated in sub regulation (3), must be appointed from persons who –
- (a) have the requisite skills to govern and project manage the compositions and the appointment of the board contemplated in regulations 5;
 - (b) are conversant with the higher education landscape; and
 - (c) understand the challenges of the humanities and social sciences.

Scope or Application of Regulations

3. The scope or application of the NIHSS will be to advance and coordinate scholarship, research and ethical practice in the fields of the Humanities and the Social Sciences

within and through the existing public Universities and those to be established or declared in future as public Universities.

CHAPTER 3 GOVERNANCE

Governance

4. (1) The NIHSS is governed by a board.
- (2) The board consists of a chairperson and not more than 12 ordinary members with voting rights.
- (3) Notwithstanding the provisions of sub regulation (2), the board may from time to time, co-opt for a period determined by the board, not more than 4 experts in relevant fields, who will not have voting rights.

Nomination and Appointment Process of Board members

5. (1) The nomination of chairperson, board members and co-opted members must be undertaken in such a manner as to ensure, insofar as is practically possible, that-
 - (a) the functions of the national institute for humanities and social sciences in terms of this Act are performed according to the highest professional standards;
 - (b) the membership taken as a whole
 - (i) is broadly representative of the higher education sector, including members drawn from among organisations representing academics, university management staff, appropriate government departments, the state research system and others with an interest in the humanities and social sciences;
 - (ii) has knowledge and understanding of, and is committed to higher education;
 - (iii) appreciates the role of the humanities and social sciences in contributing to the social and economic development in the country;
- and

- (c) due attention is given to representivity on such relevant grounds as race, gender and disability.
- (2) At least three months before the expiry of the term of office of the members of the board, the chief executive officer of the NIHSS must, in publications which at least include the government gazette, invite nominations for the appointment of board members for the forthcoming term of office from organisations and persons involved in education and training and the general public.
- (3) The Minister must consider the nominations contemplated in sub regulation (2), and from the persons so nominated, the Minister must appoint-
 - (a) 10 members of the board; and
 - (b) the chairperson of the board, who is appointed by the Minister and may be from outside of the nominations received.
- (4) At least three of the members contemplated in sub regulation (3) (a) must be appointed from academic and management staff in public higher education institutions.
- (5) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the invitation from the chief executive officer, the Minister may appoint the required number of persons who qualify to be appointed in terms of the Act.

Vacation of office

- 6. A person ceases to be a member of the board if he or she-
 - (a) resigns by giving written notice to the Minister;
 - (b) is absent from three consecutive meetings of the board unless there are exceptional circumstances which may be submitted in writing to the Board and accepted by the Board as a valid reason for the non-attendance;
 - (c) is declared insolvent;
 - (d) is removed from an office of trust by a court of law;
 - (e) is convicted of an offence involving dishonesty or an offence for which the sentence is imprisonment without the option of a fine; or
 - (f) is declared unfit to attend to his or her personal affairs by a court of law.

Filling of vacancies

7. If a member vacates his or her office, the resultant vacancy must be filled by nomination and appointment in accordance with regulation 5.

Terms of office of Chairperson and members

8. (1) The chairperson and appointed members of the board –
(a) hold office for a renewable period of four years; and
(b) may only serve a maximum of two consecutive terms.
(2) The term of office of co-opted members is determined by the board.

**CHAPTER 4
FUNCTIONS****Functions**

9. The functions of the NIHSS contemplated in section 38B(1) of the Act are to-
(a) provide services to higher education sphere within the Humanities and Social Sciences
(b) advance learning within its specific scope or application by ensuring collaboration, co-ordination or collaboration and co-ordination of the work of higher education institutions; and
(c) advise the Minister on matters relating to its specific scope or application, or to higher education generally.

Additional Functions

10. Notwithstanding regulation 9, the NIHSS may in addition perform the following functions to-
(a) promote the integrity, reputation and recognition of the humanities and social sciences within the higher education community, the science and technology community and society at large;

- (b) advance post-graduate and under-graduate scholarships through a variety of innovations, including collaborative supervision of doctoral students by two or more Universities, which could include South African universities collaborating with universities outside South Africa;
- (c) provide scholarships for post graduate students studying in the Humanities and Social Sciences;
- (d) dynamise the fields of research and teaching in the Humanities and Social Sciences through a range of catalytic projects;
- (e) develop innovative and path-breaking curriculum in the Humanities and Social Sciences
- (f) establish and manage an African Pathways programme that will be about student and academic mobility;
- (g) strengthen a student-centred culture in the higher education system and help create an environment where the critical, analytical and normative capacities of students are enhanced;
- (h) provide remedial and mentoring functions to Faculties in Universities;
- (i) advocate equity, justice and social responsibility;
- (j) advise the Minister on policy affecting teaching and research in the humanities and sciences;
- (k) establish committees, subject to the provisions of Chapter 5.

CHAPTER 5 COMMITTEES

Committees

11. (1) The board must establish the following committees –
- (a) an executive committee;
 - (b) an academic committee;
 - (c) an international advisory committee; and
 - (d) a finance committee.
- (2) The board may establish any other committee as may be required for the NIHSS to perform its functions as contemplated in Chapter 4 of these regulations.

Delegations

12. The board may on such conditions and for such period of time as it may determine, delegate any of its powers under this Act, to any committee or person employed by the NIHSS.

Short title and commencement

13. (1) These regulations are called the draft Regulations for the Establishment of a National Institute for the Humanities and Social Sciences, 2013.
- (2) These regulations come into operation on a date the Minister appoints the interim board and which date must be published by Notice in a Government Gazette.
- (3) Different dates may be determined under sub-regulation (2) in respect of different provisions of these Regulations.
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