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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS****DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

NO. 1057

05 OCTOBER 2020

**DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): REGULATIONS  
RELATING TO COVID-19****DIRECTIONS FOR A NATIONAL FRAMEWORK FOR TUITION AND ACCOMODATION  
FEES FOR ACADEMIC YEAR 2020 IN THE PUBLIC HIGHER EDUCATION INSTITUTIONS**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Technology, in terms of regulation 4(3) read with subregulation 10(a) and (c) of the Regulations made in terms of section 27(2) of the Disaster Management Act, 2002: Regulations relating to COVID – 19, Government Notice No. R480 published in the Government Gazette No. 43258 of 29 April 2020 as amended by Government Notice No. R356 published in Government Gazette No. 43487 of 29 June 2020; as amended by Government Notice No. R414 published in Government Gazette No. 43585 of 6 August 2020 and Government Notice No. R452 published in Government Gazette No. 43635 of 25 August 2020, hereby issue the directions as set out in the Schedule.

The directions come into force on the date of publication of this Notice in the Gazette.



**Dr BE Nzimande, MP**

**Minister of Higher Education, Science and Technology**

Date: 01/10/2020

## SCHEDULE

### 1. DEFINITIONS

In these Directions, unless the context indicates otherwise –

**“Academic year”** means the academic year of 2020 subject to all changes or such extensions as may be effected.

**“Alert level 3”** means the alert level as declared in terms of the Regulations issued by the Cabinet Member responsible for the Cooperative Governance and Traditional Affairs in the Regulations.

**“Public higher education institution”** means the public higher education institutions established or declared in terms of the Higher Education Act, 1997 (Act No 101 of 1997);

**“Private student accommodation”** means the accommodation services provided by any student accommodation provider in terms of a lease agreement or any other rental agreement for the academic year;

**“student”** means student registered at a public higher education institution;

**“tuition fees”** means the tuition fees payable by a student or payable through financial assistance offered to a student to pay a public higher education institution for studies undertaken under the academic year;

**“University leased accommodation”** means accommodation provided by a public higher education institution to its registered students in terms of an accommodation or rental agreement with a private student accommodation provider for the academic year;

**“University owned accommodation”** means accommodation that is owned and managed by a public higher education institution and provided to registered students of that institution;

**“Individually-leased student accommodation”** means accommodation provided to a registered student at a public higher education institution for the academic year on the basis of an individual lease agreement between the provider and the student.

### 2. BACKGROUND

- 2.1 The lockdown resulting from the Covid-19 pandemic in the higher education sector from March 2020 has resulted in changes to the 2020 academic year. The majority of higher education students returned to their respective homes in or around March 2020, and students are returning to campuses of public higher education institutions as part of a phase-in risk-adjusted approach in terms of national criteria adapted by individual institutions.

- 2.2 Consequently, many students had to vacate their student accommodation, but will be returning in terms of the national criteria and institutional adaptation thereof (Gazette no 43414 dated 8 June 2020). The approach has been to ensure that all considerations are based on saving lives and saving the academic year, while giving all students a fair opportunity to succeed academically and complete the 2020 academic year.
- 2.3 While the majority of students have not been living in their on or off campus-based accommodation for parts of the 2020 academic year, remote multi-modal teaching and learning has continued for students and will continue for those who have not returned under the current temporary lockdown regulations.
- 2.4 The 2020 academic year will be extended and is likely to only be completed in the first part of the 2021 calendar year, depending on the epidemiology and impact of the COVID-19 pandemic. This extension has implications for accommodation and tuition costs.
- 2.5 All public higher education institutions have committed to complete the 2020 academic year. The exact dates will differ for institutions, but will include periods of remote teaching and learning and face to face/contact teaching when allowed, to ensure that all students are given a fair opportunity to complete the academic year.
- 2.6 The National Student Financial Aid Scheme (NSFAS) has continued to disburse allowances to all NSFAS beneficiaries while the 2020 academic year is underway.
- 2.7 Discussions with various public higher education institutions, NSFAS and a large number of private student accommodation providers has taken place. These Directions are issued to ensure a common and coordinated approach.
- 2.8 While it is recognised that there will be exceptions to the common national approach, the broad framework is outlined in these Directions in order to give guidance to as many individuals and institutions as possible.
- 2.9 These Directions are issued in order to mitigate the possible effects of lockdown on student accommodation and tuition costs.

### 3. PURPOSE

- 3.1 To prescribe the temporary payment and cash flow measures or steps currently necessary to alleviate, contain and minimise the effects of the COVID-19 threat on the public higher education sector in the following identified areas, *inter alia*:
- (i) the payment of NSFAS allowances to students, particularly the allowances for living and accommodation expenses;
  - (ii) the payment of university-managed accommodation fees for the 2020 and 2021 academic years;
  - (iii) the payment of accommodation fees for those living in private accommodation (both university leased and individually leased accommodation); and



(iv) the payment of tuition fees.

- 3.2 To provide Directions to officials of public higher education institutions in order to disseminate information and all applicable measures for implementation to alleviate and contain the effects of the COVID-19 threat.
- 3.3 To alleviate the financial strain on institutions, NSFAS, private fee-paying individuals and private accommodation providers, recognising that the COVID-19 pandemic affects all groups in different ways, recognising that the effects of the pandemic are not the fault of any one group, and recognising the importance of sustainability for all aspects of the public higher education sector.

#### 4. APPLICATION

These Directions apply to:

- 4.1 All public higher education institutions established or declared in terms of the Higher Education Act, 1997 (Act No. 101 of 1997);
- 4.2 Private student accommodation providers of public higher education institutions;
- 4.3 NSFAS funded students.

#### 5. DIRECTIONS

##### Tuition Fees:

- 5.1 In terms of tuition fees, the 2020 Academic Year is conceptualised as a "package" regardless of its length.
- 5.2 This means that the cost for tuition should remain at the same level for the 2020 Academic Year regardless of the time frame for a student to complete and the mode of delivery for completion.
- 5.3 NSFAS payments for tuition fees to institutions will be made on the basis of the original agreed tuition fee.

##### Accommodation Fees:

- 5.4 The cost for university-owned accommodation remains at the same level for the academic year, regardless of its length, capped to the end of March 2021. This assumes that while there will be periods of non-occupation, most students will return for a period of time to complete the academic year.
- 5.5 NSFAS payments for university-owned accommodation remain at the same original level as with tuition fees.
- 5.6 The cost for university-leased accommodation remains at the same level for the 2020 Academic Year, regardless of its length, subject to an agreement that the original fee would be paid for both the 2020 academic year and the 2021 academic year (with an agreed inflation-linked increase for 2021). This means that wherever possible, the

costs of both academic years would be conceptualised as a package, and payments spread out over the full period.

- 5.7 Where there are periods of non-occupation of accommodation, monthly payments can be reduced, based on a payment regime that spreads out the agreed costs over the extended 2020 academic year.
- 5.8 In relation to individually-leased private accommodation, where students are responsible for making payments themselves, the above principle should apply in respect of university accredited and registered private accommodation as far as possible.
- 5.9 NSFAS allowances have continued to be paid to students during the lockdown period and therefore NSFAS students are expected to continue to pay private accommodation providers in terms of the original lease agreements. However, wherever possible, institutions should facilitate agreements with providers on behalf of students to reduce the payments for periods of non-occupation, but with the full payment spread over the extended academic year.

**NSFAS allowances for accommodation:**

- 5.10 NSFAS will continue to disburse the accommodation allowances to beneficiaries, up to the agreed costs for the ten months of the academic year.
- 5.11 It is therefore expected that NSFAS beneficiaries in receipt of accommodation allowances must continue to pay private accommodation providers in terms of their agreements with lease providers, in line with the framework agreed, to reduce monthly payments and spread the costs over the Academic Year 2020.
- 5.12 It must be noted that there is currently a process underway to model and plan for any additional academic year costs for NSFAS-funded students. Currently, no funding has been allocated or approved for additional academic year costs in 2020.

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