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## TERMS OF REFERENCE

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### TERMS OF REFERENCE of the MINISTER OF EDUCATION to the

#### INDEPENDENT ASSESSOR TO CONDUCT AN INVESTIGATION INTO THE AFFAIRS OF THE MANGOSUTHU UNIVERSITY OF TECHNOLOGY

##### 1. PREAMBLE

The Council and its Executive Committee of the Mangosuthu University of Technology have deliberated on matters of governance and management at the Institution over a period of time and became concerned that serious problems in the governance and management of the University may be impacting on the effective functioning of the University. Council and its Executive Committee resolved that a thorough and independent assessment of the affairs of the University be conducted with respect to governance, management and employment relations.

##### 2. TERMS OF REFERENCE: GENERAL

In terms of section 45 (a) of the the Higher Education Act, the Council of the Mangosuthu University has requested the Minister of Education to appoint an Independent Assessor to conduct an investigation into the affairs of the Mangosuthu University of Technology. The general purpose of the investigation is to advise the Minister and the Council on:

- the source and nature of the governance, management and administrative problems at the Mangosuthu University of Technology; and
- steps required to restore good governance, management and administration at the Mangosuthu University of Technology.

##### 3. TERMS OF REFERENCE: SPECIFIC

- a) Assess the financial management systems of the University.
  - Conduct a detailed analysis and report on the financial management systems and practices of the institution with particular emphasis on whether the University has appropriate and adequate procurement policies and whether the policies are adequately applied, including the functioning of the appropriate committees.
  - Establish whether an adequate system of control is in place to ensure that risks are mitigated with specific reference to procurement risk and procurement process risk and whether Council is regularly apprised of potential risks.
  - Conduct a detailed analysis and report on the remuneration policies and practices of the University, and the functioning of the appropriate committees of the University and specifically conduct an analysis and report on the establishment and performance of the procurement committee of the University.
  - Review the terms of reference of the Finance Committee and the functioning of the committee to assess whether areas of internal control and risk management are covered;
  - Identify any regulations, policies or practices that must be reviewed or created to improve the governance, management and administration of the financial affairs of the University.

## b) Governance and Management Structures and Efficiencies

- Conduct a detailed analysis of, and report on the current situation in terms of organisation, management and governance structures, processes, systems, policies and competencies including issues of accountability and responsibility.
- Identify any authorities that have been delegated to the Vice Chancellor and management in contravention of the statutes or good corporate governance, indicating the circumstances and authority for such delegation.

## c) Human Resources

- Conduct a detailed analysis and report on the human resource policies and practices of the University, particularly in relation to enhancing organisational efficiency and employment relations at the University.
- Review the functioning and role of committees established in terms of HRM policies with identification of policy-practice gaps and specifically conduct an analysis and report on the establishment and performance of the emoluments committee of the University;
- Conduct an investigation to determine the circumstances and reasons for the significant number of staff suspensions, disciplinary cases, labour disputes, staff demotions and dismissals at the University.
- Identify any regulation, policy or practices that must be reviewed or created to improve employment relations within the University.

## d) Management oversight by the Vice Chancellor


- Conduct a detailed analysis and report on the reporting and accountability and reporting requirements by the Vice Chancellor to the Council and its relevant committees.
- In addition to the analysis and report on the establishment and performance of the emoluments and procurement committees as required in a) and c) conduct an analysis and report on the relationship of these committees to the Council and Vice Chancellor.
- Conduct a detailed analysis and report on whether the Vice Chancellor has deviated from Council approved policies and procedures, particularly with respect to emoluments and procurement and whether he has benefited financially from such decisions.
- Conduct a detailed analysis and report on whether the Vice Chancellor has performed any action that requires the approval of Council or its committees without such approval.

**4. TO MAKE RECOMMENDATIONS ON**

- Restoring of effective and proper governance, management, administration and employment relations at the University; and
- What action, if any, ought to be taken.

**5. COMPLETION AND REPORT**

The Independent Assessor must complete their work and submit a report to the Minister within 30 working days of his appointment.

  
G N M Pandor, MP  
Minister of Education  
Date 15-09-2008