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UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

**A STUDY OF AFFIRMATIVE ACTION AND EMPLOYMENT EQUITY
IN HIGHER EDUCATION INSTITUTIONS IN KWAZULU-NATAL**

by

PREGLATHAN GOPAUL PADAYACHEE
B A B A(Hons) B Ed M Ed STD .

submitted in partial fulfilment of the requirements for the degree

PHILOSOPHIAE DOCTOR

in the

Faculty of Education

UNIVERSITY OF PRETORIA

PROMOTER : PROFESSOR D R BAGWANDEEN

JANUARY 2003



ACKNOWLEDGEMENTS

My sincere appreciation and thanks are due to all those who assisted me to complete this thesis, more especially the following :

Professor D R Bagwandeem, my promoter, for his invaluable suggestions and for the untold hours spent reading the numerous drafts of the entire manuscript. His sense of dedication, thoroughness, expert supervision and his faith in my ability spurred me on to complete the project.

The academic as well as the senior executive management staff of the six Higher Education Institutions in KwaZulu-Natal, without whose co-operation this project would not have been possible.

My father-in-law, Mr V Poonan, a retired psychologist and teacher of English for proof-reading the document and also offering valuable insights and suggestions.

Mr Dev Naidoo, a retired school principal and Senior Certificate Matriculation Examiner of English, for also proof-reading the thesis.

Miss I Naidoo of Computer Services, University of Durban-Westville, who so willingly helped with the computer programming and data analysis.

Mrs Lorraine Rajagopal for her assistance in typing this thesis at short notice.

My wife, Professor Anshu Padayachee, for the encouragement she gave me throughout the project.

My children Levanya, Sumesh and Sandile who challenged me into completing the Ph D before they did.

My late mum, Mrs Pungee Padayachee, who from a very early age and under difficult circumstances, single handedly provided me with the necessary educational foundation.



DEDICATED TO :

MY LATE MUM

PUNGEE

LIST OF ABBREVIATIONS USED

AA	:	Affirmative Action
AAA	:	Affirmative Action Agency
AACC	:	Affirmative Action Consultative Committee
AA/EE	:	Affirmative Action/Employment Equity
AA/EEO	:	Affirmative Action/Equal Employment Opportunity
AA/EEO Act	:	Affirmative Action (Equal Employment Opportunity for Women) Act of 1986
AA/EO	:	Affirmative Action/Equal Opportunities
AAUP	:	American Association of University Professors
ACE	:	American Council on Education
AFC	:	Americans for a Fair Chance
AGPS	:	Australian Government Printing Services
ANC	:	African National Congress
ASAHDI	:	Association of Vice-Chancellors of Historically Disadvantaged Institutions in South Africa
ATN	:	Australian Technology Network
AVCC	:	The Australian Vice-Chancellors Committee
BB	:	Broederbond
BC	:	Backward Classes
BLOEMT	:	Bloemfontein Technikon
BT	:	Border Technikon
B Tech	:	Bachelor of Technology
CASC	:	Council for the Advancement of Small Colleges

CATEs	:	Colleges for Advanced Technical Education
CCMA	:	Commission for Conciliation, Mediation and Arbitration
CCPSHE	:	Carnegie Council on Policy Studies in Higher Education
CHE	:	Council on Higher Education
CHET	:	Centre for Higher Education Transformation
CNE	:	Christian National Education
CNN	:	Cable News Network
COSATU	:	Congress of South African Trade Unions
CPD	:	Continuous Professional Development
CRSA	:	The Constitution of the Republic of South Africa
CT	:	Cape Technikon
CTC	:	Cape Technical College
DEETYA	:	Department of Employment, Education, Training and Youth Affairs
DEU	:	Distance Education University
DG	:	Designated Group
DOE	:	Department of Education
DOL	:	Department of Labour
D Tech	:	Doctor of Technology
ECT	:	Eastern Cape Technikon
EE	:	Employment Equity
EEA	:	Employment Equity Act
EEO	:	Equal Employment Opportunity

EEOC	:	Equal Employment Opportunity Commission
EO	:	Executive Order
EOPHEA	:	Equal Opportunity Practitioners in Higher Education in Australasia
EWP	:	Education White Paper
FCP	:	Federal Contractors Program
GETT	:	Gender Equity Task Team
GO	:	Government Order
HAIs	:	Historically Advantaged Institutions
HATs	:	Historically Advantaged Technikon
HAUs	:	Historically Advantaged Universities
HBIs	:	Historically Black Institutions
HBTs	:	Historically Black Technikon
HBU	:	Historically Black Universities
HDI	:	Historically Disadvantaged Institutions
HDT	:	Historically Disadvantaged Technikon
HDU	:	Historically Disadvantaged Universities
HE	:	Higher Education
HEA	:	Higher Education Act
HEIs	:	Higher Education Institutions
HEW	:	USA Department of Health, Education and Welfare
HIV	:	Human Immunodeficiency Virus
HR	:	Human Resources
HSRC	:	Human Sciences Research Council

HWAUs	:	Historically White Afrikaans-Medium Universities
HWEUs	:	Historically White English-Medium Universities
HWIs	:	Historically White Institutions
HWTs	:	Historically White Technikons
HWUs	:	Historically White Universities
ICS	:	Indian Central Secretariat
IDASA	:	Institute for Democracy in South Africa
IEU	:	Independent Educational Union of Australia
INSET	:	In-service Education and Training
KZN	:	KwaZulu-Natal
M Ed	:	Master of Education
MEDUNSA	:	Medical University of South Africa
MLST	:	M L Sultan Technikon
MT	:	Mangosuthu Technikon
M Tech	:	Master's Degree in Technology
NAACP	:	National Association for the Advancement of Colored People
NCHE	:	National Commission on Higher Education
NDG	:	Non-designated group
NGOs	:	Non-Governmental Organizations
NORTH	:	University of the North
NP	:	Nationalist Party
NWT	:	North West Technikon
OBC	:	Other Backward Classes

OCR	:	Office for Civil Rights
OFCCP	:	Office of Federal Contract Compliance Programs
OSW	:	The Commonwealth Office for the Status of Women
PAC	:	Pan African Congress
PD	:	Positive Discrimination
Pentech	:	Peninsula Technikon
Ph D	:	Doctor of Philosophy
Potch	:	Potchefstroom University
POW	:	Perception of Witwatersrand University
PT	:	Pretoria Technikon
RAU	:	Rand Afrikaans University
RCA	:	Report of the Constitutional Assembly
RDP	:	Reconstruction and Development Programme
RICP	:	Regional Institutional Cooperation Project
RMIT	:	Royal Melbourne Institute of Technology
RSA	:	Republic of South Africa
SA	:	South Africa
SAPSE	:	South African Post Secondary Education
SAQA	:	South African Qualifications Authority
SCs	:	Scheduled Castes
SCAPTL	:	Senate Committee on Appointment, Promotion, Tenure and Leave
SERTEC	:	The Certification Council for Technical Education

SPSS	:	Statistical Package for Social Sciences
STs	:	Scheduled Tribes
SWAPO	:	South West African Peoples Organization
TN	:	Technikon Natal
TNG	:	Technikon Northern Gauteng
TSA	:	Technikon South Africa
TT	:	Transvaal Technikon
UA	:	University of South Australia
UCGH	:	University of the Cape of Good Hope
UCLA	:	University of California, Los Angeles
UCT	:	University of Cape Town
UDUSA	:	Union of Democratic University Staff Associations
UDW	:	University of Durban-Westville
UGC	:	University Grants Commission
UN	:	University of Natal
UNIBO	:	University of Bophuthatswana
UNISA	:	University of South Africa
UNITRA	:	University of Transkei
UNIZUL	:	University of Zululand
UNO	:	United Nations Organization
UP	:	University of Pretoria
UPE	:	University of Port Elizabeth
US	:	United States
USA	:	United States of America

USCCR	:	The United States Commission on Civil Rights
USDE	:	United States Department of Education
UWC	:	University of Western Cape
UWS	:	University of Western Sydney
VENDA	:	University of Venda
VISTA	:	Vista University
VT	:	Vaal Triangle Technikon
WEAL	:	Women's Equity Action League
WexDev	:	Women's Executive Development Programme
WIN	:	Women's Issues Network
WITS	:	University of The Witwatersrand
WITST	:	Witwatersrand Technikon

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XXX

**THE STUDY OF AFFIRMATIVE ACTION AND EMPLOYMENT EQUITY IN HIGHER
EDUCATION INSTITUTIONS IN KWAZULU - NATAL**

BY: PREGLATHAN GOPAUL PADAYACHEE

DEGREE: PHILOSOPHIAE DOCTOR

DEPARTMENT: TEACHING AND TRAINING STUDIES

SUPERVISOR: PROFESSOR D R BAGWANDEEN

SUMMARY

The fact that the composition of staff in Higher Education institutions fails to reflect the demographic realities of South Africa and that Black people and women are still severely underrepresented, especially in senior academic and management positions, provided a compelling motivation for this study. This motivation is further reinforced by the fact that the enduring pervasive racist heritage of the past at institutions of Higher Education continues to disadvantage male academics of colour and women who have never had the opportunity to compete fairly in the distribution of benefits and opportunities in Higher Education. The researcher argues that the scenario continues to persist despite the promulgation of several pieces of legislation and policy since 1994 namely, the Labour Relations Act, the Employment Equity Act, the Higher Education Act, the White Paper on Affirmative Action and the National Plan for Higher Education.

Hence, the need to determine the perception of academics towards the constraints and challenges facing institutions of Higher Education and to identify ways and means of overcoming them in order to expedite transformation in Higher Education. Major research

with regard to Affirmative Action/Employment Equity in Higher Education, including perceptions and attitudes of academic staff is limited in South Africa.

The general aim of the present study was to gather objective and scientific data about Affirmative Action/ Employment Equity policies and their implementation procedures, as they pertain to academic staff within institutions of Higher Education in KwaZulu- Natal. The review of literature traced the efficacy of Affirmative Action and Employment Equity policies in three developed and three developing countries in the world. This review contributed significantly towards developing the data gathering tools, the evaluation of findings and the recommendations for effective implementation of Affirmative Action/Employment Equity in Higher Education institutions.

The research methodology utilized in the study were both qualitative and descriptive in nature and an interview schedule and questionnaires were employed to obtain data from a probability sample of permanently employed academic staff(faculty) from six Higher Education institutions in KwaZulu-Natal. The general conclusions derived from the empirical study include, *inter alia*, a profound misconception of the concept Affirmative Action/Employment Equity, the principles underlying it and the rejection of the concept 'designated group' as beneficiaries of Affirmative Action/Employment Equity policy. The findings also revealed that the implementation of Affirmative Action/Employment Equity policies were fragmented and the existing plans appeared to be merely a response to legislative requirements rather than a commitment to Affirmative Action/ Employment Equity.

Among the many recommendations put forward by the researcher was the development of a guideline document that sets out the process and substantive issues to assist in effective implementation of Affirmative Action/Employment Equity policies. The study also makes an urgent call for research in specific areas related to Affirmative Action/ Employment Equity.



KEY WORDS:

Affirmative Action

Preferential Treatment

Goals and Quotas

Equity

Equality of Opportunity

Higher Education

Employment Equity

Reverse discrimination

Affirmative Action/Employment Equity Plans

Tokenism

CHAPTER ONE

ORIENTATION

1.1 INTRODUCTION

When the first democratic elections in the history of the country took place in 1994 South Africa captured the imagination of the world by plucking the country from the brink of imminent destruction. It succeeded in achieving a peaceful transition to democracy from the probability of protracted discord and violence that were extremely high. This was a laudable triumph for human dignity as well as a triumph against all forms of discrimination, more so because, for the first time in the history of South Africa, there was a common South African citizenship for all (Republic of South Africa (RSA), 1996, Clause 3(2) : 3).

A new Constitution was adopted which states categorically that **“To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken”** (RSA, 1996, Clause 9(2) : 7). This ushered in a new set of values that led to an emphatic and fundamental break from the past. To meet the challenges enshrined in the Constitution and the Bill of Rights, the principle of Affirmative Action was introduced which Fleming *et al.* (1978 : 3) so aptly describe as **“a natural extension of the long struggle for equal rights”**.

The Preamble to the Constitution spells out that the purpose of the new dispensation is to :

“... heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; lay the foundations for a democratic and open society in which

government is based on the will of the people and every citizen is equally protected by the law; improve the quality of life of all citizens and free the potential of each person, and build a united democratic South Africa able to take its rightful place as a sovereign state in the family of nations.”

(RSA, 1996 : 1)

During the past eight years it has become apparent that the intent and spirit of the Constitution can only be realized through tremendous effort and purposeful action. One area that requires such tremendous effort and purposeful action is Higher Education. In establishing a non-racial society, based on the Constitution that embodies equal rights for every person, the need to establish an equitable and effective Higher Education system becomes a top priority. This requires a transformation process that will necessitate the management of cultural diversity and bring about organizational changes within institutions of Higher Education.

Education in South Africa, prior to 1994, was segregated along racial lines. The apartheid system of social engineering ensured that non-Whites were denied equal access to what was referred to as White institutions and an education of quality. The Higher Education system in South Africa is currently in a state of transformation and will, in the foreseeable future, be under pressure to provide access to both staff and students and quality education for all the people in the country.

New pieces of legislation, namely the Labour Relations Act, the Employment Equity Act, the Higher Education Act, the White Paper on Affirmative Action and other national documents such as that of the Council on Higher Education (CHE) on Size and Shape, present new challenges to Higher Education institutions especially with respect to employment and promotion of staff. Student demonstrations and union protests directly related to employment of academic staff have already been experienced at many institutions of Higher Education and continue to plague them as they make attempts to



meet the transformation challenges. Much, therefore, needs to be done to redress the imbalances caused by the apartheid education system. Although most Higher Education institutions would like to claim that they have amended their recruitment policies in order to align them to the new laws and policies, their academic staff structures still do not reflect the demographics of the South African society or, for that matter, even come anywhere close to it. This is underscored in the Education White Paper 3 of 1997 :

“Unlike the changing student profile ... the composition of staff in Higher Education fails to reflect demographic realities. Black people and women are severely underrepresented, especially in senior academic and management positions.”

(Department of Education (DOE), 1997(a) : section 2.94)

Redressing historical imbalances, relating particularly to academic staff (faculty) appointments, is, therefore, an imperative for South African Higher Education institutions. One of the strategies that must be adopted to accelerate the change process is Affirmative Action. Norris (www.immi.se/intercultural/nr3/norris.htm), however, argues that Affirmative Action on its own would not be the entire answer. He maintains that it is also essential that the diversity resulting from Affirmative Action be effectively managed by using a strategic management approach. The Centre for Higher Education Transformation (CHET) (1999 : 2) underscores this contention and maintains that it is necessary to ensure that the academic staff are, therefore, not appointed to positions merely for the sake of attaining the correct numbers as this would be tantamount to setting them up for failure. **“They must be given the support which they need”** to build capacity (CHET, 1999 : 2). This provides strong enough reason to assess the nature and role of Affirmative Action policies and programmes in effectively bringing about Employment Equity, which is one of the major aims of this study, and also to find out how the diversity emanating from it is managed in order to promote capacity, equity, equality, justice and racial harmony in South Africa.

1.2 BACKGROUND AND MOTIVATION FOR THE STUDY

Perhaps no other issue in recent times has created such widespread controversy as the application of Affirmative Action policies and procedures for academics of colour and women at South African Higher Education institutions as a means of overcoming generations of discrimination. At the heart of this controversy fundamentally opposing viewpoints exist with regard to the best methods of bringing about Employment Equity, equality, justice and racial harmony in South Africa. Whether Affirmative Action provides the best means of achieving these long-held values of equality, justice and racial harmony has led to sharp debates on television, in newspapers, journals, etc. This has often led to student uprisings, industrial action and disagreement at local Higher Education institutions themselves.

Given the enduring pervasive racist heritage of South African institutions of Higher Education, it is argued that male academics of colour and women have never had the opportunity to compete fairly for the benefits and opportunities in education. Hence, to compensate for past injustices and to afford them the opportunity to compete fairly, supporters believe race and gender must be taken into account. They maintain that special opportunities should, therefore, be provided so that the historically disadvantaged groups achieve parity with the previously advantaged Whites. Racially neutral or colour-blind institutions, so typical of the majority of our institutions of Higher Education of recent times, are seen only to perpetuate the severe handicaps and deep seated discrimination of the past since the Whites, because of the preferential treatment they enjoyed in the past, were already advantaged. The response of the Association of Vice-Chancellors of Historically Disadvantaged Institutions in South Africa (ASAHDI) to the Council on Higher Education (CHE) document on Size and Shape highlights this point when they argue that the document pays credence to the issue of Equity but not of redress (File and Goedegebure, 2000 : 1-149).

Yet it is precisely this colour-blind society that opponents of Affirmative Action espouse as the only standard for a democratic society. They maintain that special treatment

based on gender or race goes against the ideals of being judged on the basis of individual merit and violates the constitutional guarantee of equal protection under the Constitution. On this issue Subotsky draws attention to the vital distinction between equality (or simple equality) and complex equality (or Equity). He argues that :

“Equity is not just a matter of equalising employment. It also crucially entails ensuring retention and development through providing enabling conditions, opportunities and institutional practices which address the obstacles and barriers experienced by marginalised groups. This implies recognising ... and addressing relevant differences with the aim of reducing inequalities (through interventions which provide such enabling conditions). Pursuing justice therefore implies the conceptualisation of a complex notion of equality, or equity, which accommodates both equality and difference.”

(Subotsky, 1998(a) : 3)

Alluding to the argument presented by Subotsky, Justice Harry Blackmun of the United States of America (USA) in the Supreme Court's 1978 *Bakke* case, presents a most eloquent argument for Affirmative Action based on colour to eradicate discrimination:

“I suspect that it would be impossible to arrange an Affirmative Action program in a racially neutral way and have it successful. To ask that this be so is to demand the impossible. In order to get beyond racism, we must first take account of race. There is no other way. And in order to treat some persons equally, we must treat them differently. We cannot - dare not - let the Equal Protection Clause perpetuate racial supremacy.”

(Blackmun, 1978: ace-webtest.nche.edu/bookstore/descriptions/making_the_case/critics/counter.html)

The substitution of group rights for individual rights, the argument goes, contributes to racial polarization and often stigmatizes those given preferential treatment. Employment at institutions of Higher Education, opponents claim, thus becomes the result of membership of a group rather than on individual merit.

The same controversies arose in Australia, Canada, United States of America, India and other countries where Affirmative Action programmes were introduced (Boulle, 1988 : 4). The consequent emotion-laden terms, such as institutional racism, sexism and reverse discrimination, make the very agonizing moral dilemma about how best to achieve justice and equality at South African institutions of Higher Education even more complicated. Seen in this light none of the arguments for or against Affirmative Action is intrinsically right or wrong. They are **“merely premised on different conceptions of justice”** (Boulle, 1988 : 5). It would, therefore, be interesting to evaluate the Affirmative Action and Employment Equity programmes, their implementation procedures, the response of the respective administrators of institutions of Higher Education, previously disadvantaged women and other academic personnel towards it. Hence, the need for and the relevance of this study.

As recently as 1993 the National Party Government’s approach to Higher Education ensured that academics and senior management in South African institutions of Higher Education were overwhelmingly White. Even in Historically Black Institutions (HBIs), a significant majority of staff were White (Peacock, 1993 : 64). The racial segregation among Higher Education institutions, which Peacock (1993 : 4) described as **“vertical racial separation”** of the Higher Education system, was also apparent in ex-own affairs institutions. For example, the University of Durban-Westville (UDW) and the University of Western Cape (UWC) retained their so called Indian and Coloured staffing profile respectively in addition to having a significant number of White staff, who in the case of UDW, constituted the majority in 1990 (Peacock, 1993 : 4). Within the university system itself there was also a **“horizontal racial separation”** with Whites dominating senior positions in the majority of institutions (Peacock, 1993 : 4). Presently **“there are [still] indefensible imbalances in the ratios of Black and female staff compared**

to Whites and males” (Department of Education, 1997(a) : section 1.4).

For more than four decades institutions of Higher Education have lagged behind or resisted assuming total responsibility for designing, monitoring and managing Affirmative Action/Employment Equity programmes and equal access interventions for people of colour. It is, therefore, clear that preparation of institutions of Higher Education for the changing expectations of the South African society has been minimal. As recently as 1993 no university possessed clearly defined, written, staffing and admission policies aimed at changing the racial composition at their institutions. In fact Peacock (1993 : 22) found that **“written policies and implementation strategies were conspicuous by their absence”**.

The majority of institutions appeared to be unaware, intentionally or otherwise, that their non-discriminatory procedures with neutral selection criteria would reinforce the vertical racial separation that already existed at their institutions. In 1993 the policy of the majority of institutions of Higher Education was one of non-discrimination with a small minority describing themselves as equal opportunity institutions or Affirmative Action institutions. Yet none of them could provide any evidence of a formal institutional policy or implementation strategies related to non-discrimination, equal opportunity or Affirmative Action for people of colour. In fact it was revealed that by 1993, of the twenty one universities in South Africa, only about six had a written Affirmative Action policy on recruitment and none had an implementation strategy (Peacock, 1993 : 36). Further, none of the universities collated or maintained usable data on the effects of their employment policies or had undertaken research into the effectiveness of their existing recruitment policy.

The following statistics extracted from the CHET report (1999 : 3-4) reveal that the position is still bleak. The racial composition of academic staff at the historically non-African universities and technikons changed very little over the decade 1988-1998. In 1998, at the six Historically White Afrikaans-Medium Universities (HWAUs) taken together, 97% of all permanent academic staff were White. At the four Historically

White English-Medium Universities (HWEUs) taken together, 87% of all permanent academic staff were White. In 1998, at the seven Historically Advantaged Technikons (HATs) taken together, 90% of all permanent academic staff were White.

Given the aforementioned profile Affirmative Action and Employment Equity in Higher Education could be regarded as largely uncharted territory, providing strong enough reasons to adopt a set of corrective measures to expedite an increase in employment of disadvantaged academics of colour and women at all levels. A great deal of water has passed under the bridge since the Union of Democratic University Staff Associations' (UDUSA) 1993 study (Peacock, 1993 : 1-170). Nevertheless, the extreme racial imbalances that have existed and still exist both between and within institutions of Higher Education necessitate a critical review of all policy options and perhaps require changes in Affirmative Action and Employment Equity strategies. This is one of the aims of this research.

Consensual Affirmative Action and Employment Equity policies, implementation plans and monitoring systems, constraints and challenges, if unveiled by this study, can serve as reference points for the future and provide institutions with some sort of framework within which to work. It would obviate the conflict, confrontation and confusion that would probably arise if there is no written policy, institutional clarity or wide ranging interpretations as was the case in the recent past. Ultimately, it is hoped that such strategies or policies would help redress the historical imbalances and injustices of the past.

A further historical imbalance often neglected is the discrimination against women. In the past regulations at most institutions of Higher Education, especially universities, prohibited or limited full time employment of married women. In some universities this practice continued until the mid-1980s and, in at least one case, the regulation has never been repealed and is still being ignored. The findings of a survey, conducted by UDUSA in 1993, which revealed that women occupied the majority of Junior lecturer positions (61,2%), is evidence of this (Peacock, 1993 : 40). Recent statistics extracted from the CHET Report (1999 : 3-4) reveal that the position has changed very little over

the last decade. In 1998 women comprised approximately 35% and 38% at universities and technikons respectively. They were, however, still particularly underrepresented in the senior ranks and somewhat overrepresented in the lecturer and junior lecturer categories. By contrast male academics were spread fairly evenly across professor/senior lecturer/ lecturer categories with approximately a third in each. Almost all institutions of Higher Education maintain that there was little possibility of any gender bias that could have inhibited entry or progress of women (Peacock, 1993 :38). Merit is stated as a key criterion for recruitment or promotion. Personal experiences of women reveal otherwise.

Peacock (1993 :38) found that, whilst senior management at most institutions of Higher Education in South Africa indicated willingness to discuss gender issues, the majority were unable to provide even **“the most basic statistical data on gender and staffing”**. This lack of institutional research into gender issues (with the exception of a few institutions of Higher Education) raises severe doubts about the possible forms of discrimination as well as whether the issue was treated with the concern that it deserves. The degree of difference or reasons for such differences in positions held by women compared to their male counterparts is difficult to identify because not much research has been done in the area. It does, however, become clearly apparent that **“to ensure successful advancement of women ... effective enabling conditions, practices and opportunities must be provided”** (Subotsky, 1998(a) : 20-21). It is obvious, however, that there are probably many reasons for these differences as well as many enabling conditions that can be provided through Affirmative Action and Employment Equity policies; hence, the need for research in this area.

Further, in the 1990s, management-driven initiatives on gender issues were minimal and the responsibility for gender issues was generally entrusted to informal and often institutionally unrecognised committees. Findings of such committees and others revealed many subtle forms of discrimination, viz., gender was not regarded as part of an Affirmative Action/Employment Equity programme. Such issues are widely researched internationally yet, research in South Africa is limited. The present study

proposes to make a contribution in this area.

Another area in which this study can make a contribution is in developing of human resources in our country. This was one of the five major policy areas outlined in the Reconstruction and Development Programme (RDP) in which both education and training were emphasised as key issues (African National Congress (ANC)1994 :8). Development of human resources via Affirmative Action and Employment Equity programmes is regarded as one of the critical mechanisms available to support democratic transformation in South Africa. This study will serve as a contribution to that end.

Although a great deal has been written about Affirmative Action abroad there is a relative paucity of South African studies on the subject. The few studies conducted locally have concentrated predominantly on the business world to the almost complete exclusion of the world of Higher Education, especially with regard to faculty hiring, recruitment, promotion, etc., inspite of the growing awareness of the phenomenon as well as the increasingly vociferous claims for and against it in this country.

Over the last three years institutions of Higher Education were requested to submit their three year rolling plans to the Department of Education indicating, in particular, their recruitment and Equity plans (DOE, 1997(a) : section 2.96). More recently (2000) the Department of Labour requested Equity plans of all employing organizations, stressing that their plans will be scrutinized, monitored and may be challenged by the courts if the plans did not meet with the required stipulations. The Labour Court in particular and the Commission for Conciliation, Mediation and Arbitration (CCMA), to a lesser degree, have been kept busy with prospective employees challenging employers on appointments and promotions that, they claim, ignored or were not in line with Affirmative Action and Employment Equity policies.

From the foregoing it is clear that there is an urgent need to address the problem of Affirmative Action and Employment Equity at South African institutions of Higher Education. An immediate start should, therefore, be made to gather information in a

scientific and systematic manner, taking into account local circumstances and peculiarities. This study can, therefore, be seen as a critical contribution to this end. The ultimate aim is to find how best to implement Affirmative Action and Employment Equity programmes in South African institutions of Higher Education in order to achieve Employment Equity, justice, harmony and racial equality against the injustices and discrimination of the past with special reference to recruitment, employment, promotion and creating and providing for a diversity of academic staff.

In summary the following are the motivation for this research :

- 1.2.1 Given the enduring pervasive racist heritage of the past at institutions of Higher Education, disadvantaged male academics of colour, women and the Disabled have never had the opportunity to compete fairly in the distribution of benefits and opportunities in general and in employment in particular. This would provide strong enough reason to assess the nature of Affirmative Action and Employment Equity policies and programmes that would promote Employment Equity, equality, justice and racial harmony in South Africa.
- 1.2.2 Up until 1993, written policies, implementation strategies and monitoring procedures of Affirmative Action and Employment Equity were **“conspicuous by their absence in Universities”** (Peacock, 1993 :22). Hence, the need to determine the perception of constraints and challenges facing institutions of Higher Education and to identify ways and means of overcoming them in order to expedite transformation in Higher Education.
- 1.2.3 Major research with regard to Affirmative Action and Employment Equity in Higher Education, including perceptions and attitudes of Higher Education administrators and academics, is limited in South Africa.
- 1.2.4 Consensual Affirmative Action and Employment Equity policies, implementation procedures and monitoring systems, challenges and constraints that would be

identified in this study could serve as reference points for the future and provide institutions with a framework within which to work.

- 1.2.5 Past experience reveals that gender issues, apart from not being given priority at South African Institutions of Higher Education, are often not regarded as part of Affirmative Action plans. On the contrary gender issues are widely researched internationally while in South Africa there is a dearth of research especially in the field of Higher Education.

1.3 THE RESEARCH PROBLEM

The legacy of apartheid has resulted in the appointment of preferred groups of people (Whites) to selected institutions of Higher Education in South Africa. The New South Africa has embarked on legislative change, *inter alia*, the Employment Equity Act, the Labour Relations Act, etc., to address this anomaly. The Ministry for Education in particular has set up task teams, namely the Gender Equity Task Team (GETT) and the Task Team on Size and Shape, to develop policy and procedures to reverse the discriminatory landscape of the present Higher Education sector. To date numerous discussion documents have been developed and the debate around the contents of such documents continue, but consensual implementation of the said policies is still to be achieved. This thesis will attempt to develop/find the best practice model/s for an efficient implementation of such policies linked to Affirmative Action and Employment Equity.

Much has been written about the American, Australian and Canadian experience of Affirmative Action and non-discrimination in terms of appointment and admission with regard to gender and race at institutions of Higher Education. This study will focus on analysing and evaluating the policy and procedures of Affirmative Action and Employment Equity and attitudes and perceptions of academics in the South African context. It will also focus on developing a systematic and consensual approach/es for an effective and efficient implementation of the policies within the legislative framework

of South Africa.

1.4 AIMS OF THE PRESENT RESEARCH

The general aim of the present study is to gather objective and scientific data about Affirmative Action (AA) and Employment Equity (EE) policies and their implementation procedures, as it pertains to academic staff within institutions of Higher Education in KwaZulu-Natal (KZN). The researcher proposes to :

- 1.4.1 review the literature, tracing the efficacy of international Affirmative Action/ Employment Equity experiences related to the previously disadvantaged in general and, more specifically, to those academics employed at Higher Education institutions with a view to using their experience and expertise to make recommendations that would contribute to the successful implementation of Affirmative Action and Employment Equity at Higher Education institutions in South Africa;
- 1.4.2 gain an overall insight into the Affirmative Action and Employment Equity profile of the respective institutions of Higher Education in KZN with reference to the nature and procedures of the programmes implemented at these institutions in order to achieve Employment Equity;
- 1.4.3 analyse the attitudes and perceptions of Higher Education academic staff in KZN towards the practices and procedures related to Affirmative Action/Employment Equity. In this regard the more specific aims are :
 - to determine academic staff perceptions and attitudes towards Affirmative Action/Employment Equity related to specific biographical details;
 - to assess the knowledge and understanding of academic staff of the basic principles/concepts of Affirmative Action/Employment Equity;

- to determine how well informed the academic staff are about the Affirmative Action/Employment Equity policies at their institutions;
- to ascertain the extent of satisfaction/dissatisfaction of the academic staff about the manner in which Affirmative Action/Employment Equity is being implemented at their institutions;
- to gain an overall assessment of the provisions made by the respective institutions to ensure the success of Affirmative Action/Employment Equity programmes;
- to analyse the academic staff responses to institutional and personal issues related to the implementation of Affirmative Action/Employment Equity; and,
- to identify the constraints, barriers and challenges facing Affirmative Action/Employment Equity implementation at the respective institutions of Higher Education and the implications of these for staffing and management practices at South African institutions of Higher Education.

1.5 RESEARCH METHODOLOGY

1.5.1 Nature of the Study

The present study is both qualitative and descriptive. This descriptive approach is defined by Behr (1973: 10), Borg (1967 : 202) and Good (1963 : 244-45) as a method that precedes all other types of research. Such research, they argue, goes beyond the mere gathering and tabulation of data; it also involves interpreting data and the meaning or significance of what is described. The descriptive survey of which the present study is an example, typically gathers data at a particular point in time with the intention of :

- ❑ describing the nature of the existing conditions;
- ❑ identifying standards against which existing conditions can be compared;
- and,

- ❑ determining the relationships that exist between specific events.

(Cohen and Morton, 1980 : 71).

The question and answer method is used to obtain information and data. The questions directed to a representative cross-section of a population at a specific time is used in all areas of life as part of everyday decision-making. According to Seaman (1987 : 125) and Nieswiadomy (1987: 144) the descriptive method has the following advantages :

- ❑ it can be used to investigate problems in realistic settings;
- ❑ the cost involved is reasonable when one considers the amount of information that can be gathered;
- ❑ a large amount of data can be collected with relative ease from a variety of people; and,
- ❑ it allows the researcher to examine a large number of variables which can be analysed with the help of multivariate statistics.

It is precisely for the abovementioned reasons and also because of the nature of the data (qualitative and quantitative) to be collected that the descriptive method was selected for use in the present study.

1.5.2 Methods of Data Collection

Johnson (1981 : 101) maintains that whilst the descriptive method is considered to be very good it becomes sophisticated when used in combination with other methods. Hence, a triangulation of methods is used to gather the data needed for this study. They are :

- ❑ a questionnaire, completed by the target sample of academic staff, to obtain quantitative data;

- a personal interview schedule, used to obtain qualitative and descriptive data from the respondents; and,
- a content analysis document, used to analyse the Employment Equity and Affirmative Action plans of the institutions under study.

The triangulation method assists with verifying the position with alternative data acting as a check on chance occurrence, coincidence and fortuitous circumstances (Babbie, 1973 : 283). In addition, triangulation attempts to locate research in time and space and thus gives it a more secure frame of reference. The aim of this research, is to control error and arrive as close as possible to the truth.

1.5.2.1 The questionnaire

The advantages of the questionnaire, outlined by Mahlangu (1987 : 84), motivated the researcher to use this technique in order to collect data pertaining to the attitudes of academic staff towards Affirmative Action/Employment Equity policies and procedures at their respective institutions. Like Mahlangu the researcher is of the opinion that this method :

- permits a wide coverage at a minimum expense of time and money;
- reaches people who are difficult to contact;
- could be used when it is well nigh impossible to interview individuals personally;
- would elicit more candid and objective replies because of its impersonal nature;
- permits well considered and thoughtful answers;
- eliminates influence of the interviewer on the respondents; and,
- allows for uniformity and makes for answers that are more comparable.

The researcher administered a semi-structured questionnaire to solicit responses to questions on Affirmative Action/Employment Equity for the purpose of this study.

1.5.2.2 The interview schedule

An in-depth personal interview schedule (see Appendix 2) was administered to selected academic staff to collect data pertaining to the policies and procedures used at their institutions.

1.5.2.3 Content analysis

Content analysis involved the systematic classification and study of the documents for the purpose of drawing comparisons. The same method of data collection was used to analyse the data from the three year rolling plans of the six Higher Education institutions in KwaZulu-Natal. Hagen (1982 : 138) recommends this technique for comparative and historical studies and for discerning trends in existing phenomena. The basic procedure in content analysis involves the prior selection of categories, subjects to be analysed and rigorous establishment of criteria for inclusion to ensure possible replication by others. The researcher conducted a content analysis of the six rolling plans and identified Affirmative Action and Employment Equity plans, policies and procedures and projections as criteria for comparison.

1.5.2.4 Documentary study

A study was made of selected secondary sources of Affirmative Action and Employment Equity from the USA, Australia, Canada, Zimbabwe, Namibia and India. The literature survey comprised texts, monographs, journal articles, papers presented at conferences and workshops, Higher Education handbooks and manuals and research dissertations and theses. The theory and observations gleaned from these sources

provided invaluable information which constitutes the basis of this study.

1.6 WORKING DEFINITION OF TERMS

In this study several terms have been used in specific ways. Therefore, at the outset they need to be defined with respect to their usage in the context of this study. These are :

- **Racial Classification**

The use of the former apartheid government's racial classification of Indian, Coloured, African and White in this study has historical undertones and is sensitive and contentious in the present South African context. This is particularly so since South Africa strives to shed its apartheid legacy and has signalled its wish to move away from any form of discrimination in its new democracy. The researcher makes reference to such classification since the terms are commonly used in the literature on post-apartheid discussions and also since remnants of the apartheid past are still prevalent in many institutions of Higher Education in the country. The main objective in using this racial terminology in the present study, apart from facilitating concise discussion is to monitor changes in the effectiveness of Affirmative Action and Employment Equity measures and not to distinguish or label groups for discriminatory purposes. The following are the five classifications that will be used :

- **Blacks** : This is a collective term including all the non-White South Africans who were formerly classified as Indians, Coloureds and Africans under apartheid legislation.
- **Africans** : These are South Africans of African descent.
- **Coloureds** : These are South Africans of mixed heritage, usually Dutch, African,

Malay and Khoisan.

- **Indians** : These are South Africans who are descendants of Indians from India who settled in South Africa from 1860 onwards.
- **Whites** : South Africans of European descent.
- **Academic staff** : Personnel employed at institutions of Higher Education to perform mainly teaching and research duties.
- **Faculty** : This term is used abroad, particularly in the United States of America (USA), to describe personnel employed at institutions of Higher Education to perform mainly teaching and research duties. It is used synonymously with the term academic staff in the present study.
- **Affirmative Action** : This term refers to the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair discrimination are able to derive full benefits from an equitable employment environment.
- **An Affirmative Action Beneficiary** : This is a person who benefits from Affirmative Action programmes and procedures.
- **Employment Equity** : This is a term driven by, related to and interchangeable with the concept Affirmative Action. It involves the equitable distribution of employees with regard to race and gender within a workforce which is free of discrimination and representative of the demographics of the population within which it operates.
- **Designated Group** : This term refers to Black South Africans made up of Africans, Indians and Coloureds who were previously disadvantaged and

discriminated against under the apartheid regime in South Africa.

- **Non-Designated Group** : This term refers to White South Africans.
- **Minorities** : This term is used to describe minority groups, particularly in the USA, who were previously disadvantaged.
- **Historically Advantaged Institutions (HAIs)** : These are Higher Education Institutions which were advantaged under the apartheid regime in South Africa with regard to resources, funding, etc. and were exclusively for White staff and students. These were Historically Advantaged Universities (HAUs), Historically Advantaged Technikons (HATs), Historically White Institutions (HWIs), Historically White Universities (HWUs) and Historically White Technikons (HWTs).
- **Historically Disadvantaged Institutions (HDIs)** : These are Higher Education Institutions which were disadvantaged under the apartheid regime in South Africa with regard to resources, funding, etc. Being exclusively for Black staff and students, they are referred to as Historically Disadvantaged Universities (HDUs), Historically Disadvantaged Technikons (HDTs), Historically Black Institutions (HBIs), Historically Black Universities (HBUs) and Historically Black Technikons (HBTs).
- **Technikons** : These are Higher Education Institutions whose main task was to provide vocational-technical education in order to supply the labour markets with personnel with adequate technical and other job specific skills and practical knowledge related to specific jobs. Since 1995 they have been certified to grant Bachelor's, Master's and Doctoral degrees in Technology.
- **Senior Executive Administrators/Managers** : They constitute the top level administrators/managers of Higher Education institutions such as Vice-

Chancellors and Deputy Vice-Chancellors (Vice-Principals).

- **Line/Middle managers** : They constitute Heads of Departments and Deans of Faculties in the present study.
- **Higher Education institutions** : This refers to any degree-awarding institution.

1.7 STRUCTURE OF THE THESIS

In Chapter One, an orientation of the research is presented. A brief reference to Affirmative Action and Employment Equity is made. The motivation which gave rise to the research and the aims of the study are then discussed. The method of study, the premises on which the study is predicated, are enunciated.

In Chapter Two, the nature and scope of Affirmative Action is examined and definitions of Affirmative Action and Employment Equity and related concepts are analysed. The general and specific objectives of Affirmative Action are presented and its importance and significance are evaluated. In dealing with the theoretical constructs of Affirmative Action, the general nature and scope of Affirmative Action as viewed by both its proponents and opponents are discussed and summarized by way of a mind map. This is followed by an organogram illustrating the general theoretical and conceptual framework of Affirmative Action as viewed by proponents of this concept. The chapter concludes with a theoretical and conceptual framework of Affirmative Action and a definition of Affirmative Action for the present study.

In Chapter Three, the perceptions of and attitudes to Affirmative Action/Employment Equity as well as the challenges and constraints facing their implementation are discussed. In order to elucidate such perceptions, attitudes, challenges and constraints, the Affirmative Action debate is analysed. The chapter concludes with an evaluation of the importance and significance of Affirmative Action.

In Chapter Four, a historico-comparative study of Affirmative Action is undertaken. The evolution of Affirmative Action and its implementation are reviewed in six countries namely USA, Australia, Canada, Zimbabwe, Namibia and India, all of which sought to redress inequalities among groups within their respective countries. This review was undertaken so that emerging South African policies and programmes related to Affirmative Action can be understood against the background of relevant international experience and critique.

In Chapter Five, a historico-comparative study of Affirmative Action and Employment Equity in South Africa is undertaken. In this chapter, the legacy of apartheid and its influence on Higher Education in the South Africa of the past is discussed. Thereafter, the discussion focuses on the initiatives undertaken by the present democratic government to bring about transformation in Higher Education institutions in South Africa in order that Employment Equity is expedited. In the process the challenges, constraints and barriers facing Affirmative Action and Employment Equity are also discussed.

The analysis of the results of an empirical investigation of perceptions of and attitudes to practices and procedures related to Affirmative Action and Employment Equity is undertaken in Chapter Six. This analysis is based on the responses to a detailed anonymous questionnaire by the academic staff of institutions of Higher Education in KwaZulu-Natal and personal interviews.

Chapter Seven constitutes the concluding chapter. Conclusions derived from the empirical investigation are synthesized and recommendations are discussed.

In the next chapter, the nature and scope of Affirmative Action is discussed. In this chapter the researcher develops a theoretical and conceptual framework of Affirmative Action for the present study.

CHAPTER 2

THE NATURE AND SCOPE OF AFFIRMATIVE ACTION : A THEORETICAL AND CONCEPTUAL FRAMEWORK

2.1 INTRODUCTION

Affirmative Action over the past two decades in the USA, and at least a decade in South Africa (SA), has ranked among the most controversial publicly debated issues. In fact since its inception, as a major part of the strategy for achieving equality of opportunity, Affirmative Action has been fraught with controversy. This controversy has been influenced, to a large extent, by those who oppose state intervention on behalf of the previously disadvantaged. Much of the controversy, however, results from the misunderstanding of Affirmative Action itself (Fleming *et al.*, 1978 : 4; Human, 1991 : 15; Shubane, 1995 : 3). Such misunderstanding emerges from an array of factors, namely the failure to understand the concept Affirmative Action, problems experienced in implementing the strategy and the unrealistic expectations regarding the potential and scope of Affirmative Action strategies to transform the social structure into one which reflects greater equality.

Contributing to this confusion is the inconsistent practices and policies that fall under its rubric (Fullinwider, 1980 : 159; Fleming *et al.*, 1978 : 7). Human (1995 : 51) corroborates this viewpoint by stating that the exponential increase in interest in Affirmative Action in South Africa in the recent past has led to “**a quagmire of muddled debate**”.

2.2 THE MEANING OF AFFIRMATIVE ACTION

The broad scope and apparent flexibility of the term Affirmative Action is clearly evident in the following set of ten definitions :

Definition 1

“... includes any measure which goes beyond the simple terminology of discriminatory practice and which is adopted to correct or compensate for past or present discrimination from recurring in the future” (Soni, *The Daily News*, 13 May 1991);

Definition 2

“... includes those actions appropriate to overcome the effects of past or present practices, policies or other barriers to equal opportunity” (Lester, 1980 : 169);

Definition 3

“... is a phrase that refers to attempts to bring members of unrepresented groups, usually groups that have suffered discrimination, into a higher degree of participation in some beneficial programme. Some Affirmative Action efforts include preferential treatment” (Greenawalt, 1983 : 17);

Definition 4

“... is a planned and positive process and strategy aimed at transforming socio-economic environments which have excluded individuals from disadvantaged groups, in order for such disadvantaged individuals to gain access to opportunities, based on suitability” (Ramphela, 1994 : 9);

Definition 5

“... is an instrument of national reconstruction or even transformation, which is required to eliminate or reduce all inequalities emanating from past discrimination” (Maphai, 1993 : 6);

Definition 6

“... refers to a selective group of policies and programmes by government and non-governmental agencies to redress the inequalities that exist within societies (mainly) along racial, gender, ethnic, caste and class groupings” (Weiner, 1993

: 2);

Definition 7

“... is a set of procedures aimed at proactively addressing the disadvantages experienced by sections of the community in the past” (Innes, 1993(a) : 4);

Definition 8

“... refers to racial preferential treatment for good reasons. It could mean redistribution of resources and opportunities or preferential financial assistance” (Sonn, 1993(a) : 1);

Definition 9

“... is a generic term for programmes which take some kind of initiative either voluntary or under the compulsion of law, to increase, maintain or rearrange the number or status of certain group members usually defined by race or gender within a large group” (Johnson, 1980 : 77); and,

Definition 10

“... can be defined as the laws, programmes, or activities designed to redress past imbalances and to ameliorate the conditions of individuals and groups who have been disadvantaged on the grounds of race, gender, and disability” (Department of Public Service and Administration, 1998: 8).

In the aforementioned ten definitions the following key words and phrases are noteworthy :

- **“... includes any measure ...”** in definition 1;
- **“... includes those actions appropriate ...”** in definition 2;
- **“... participation in some beneficial programme ...”** in definition 3;
- **“... aimed at transforming socio-economic environments ...”** in definition 4;
- **“... instrument of national reconstruction or even transformation ...”** in

definition 5;

- “... **redress the inequalities that exist within societies ...**” in definition 6;
- “... **addressing the disadvantages experienced by sections of the community in the past ...**” in definition 7;
- “... **mean redistribution of resources preferential financial assistance ...**” in definition 8;
- “... **rearrange the number or status of certain group members ...**” in definition 9; and,
- “... **redress past imbalances ... individuals and groups ...**” in definition 10.

These key words and phrases highlight and point to the applicability of Affirmative Action in various aspects of social life. The Reconstruction and Development Programme (ANC, 1994 : 16-17) also extols this perception in the belief that Affirmative Action would address a variety of issues including marginalisation from economic, political and social power of Black people, women, rural communities, the elderly, the youth and so on.

Singh (1996 : 45) corroborates this viewpoint. She describes this broad use of the concept as the “**maximalist**” version of Affirmative Action which she claims :

- must be viewed as part of a comprehensive set of restructuring strategies contributing to the altering of power relations in the political and economic sphere;
- must effect the majority of South Africans on issues ranging from land redistribution to skills training;
- must generate large scale educational opportunity and skills training; and,
- must contribute to overall democratisation and transformation of institutional and organizational culture.

This apothegm is further extended tellingly in the words of Albie Sachs (1993(b) : 14-15). He defines Affirmative Action as follows :

“Affirmative Action in the South African context has extremely ‘broad’ connotations, touching, as apartheid did and still does, on every area of life ... Affirmative Action covers all purposive activity designed to eliminate the effects of apartheid and to create a society where everyone has the same chance to get on in life. In terms of the ANC draft Bill of Rights, all anti-discrimination measures, as well as anti-poverty ones, may be regarded as constituting a form of Affirmative Action.”

Similarly, Thomas (1992 : 3) argues that Affirmative Action **“... can be viewed as a pro-active development tool to overcome ... constraints and more effectively mobilize latent resources in order to stimulate overall development”**. He also presents different dimensions of Affirmative Action to illustrate further the broadness of the concept as follows :

- the political sphere and decision-making process;
- education and culture;
- breakdown of segregation in social life;
- housing and residential infrastructure;
- welfare services;
- Black business advancement;
- job/employee advancement and training; and,
- symbolism and the historical perspective.

Other definitions of Affirmative Action (numbers 11 - 17 below) reveal that it may also be used in the narrow context as well. Singh (1996 : 45) describes this as the **“minimalist”** position on Affirmative Action. In such a case Affirmative Action **“...**

involves the widening of opportunities for individuals from disadvantaged groups rather than a process which requires fundamental social restructuring” (Singh, 1996 : 45-46). Minimalists accept the need for social and political change as much as maximalists. They differ, however, in that they set different parameters to the change that is necessary, e.g., in areas of employment, education, health, etc.

Definition 11

- **“... is a tool to accelerate equal access to employment.”** (Strachan, 1993: 140);

Definition 12

- **“... is a process designed to achieve equal employment opportunities ...”** (IDASA, 1995 : 12);

Definition 13

- **“... is a deliberate undertaking of positive steps to design and implement employment procedures so as to ensure that the employment system provides equal opportunity to all”** (Fleming *et al.*, 1978 : 5);

Definition 14

- **“... Is the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair discrimination are able to derive full benefit from an equitable employment environment”** (Department of Public Service and Administration, 1998 : 3);

Definition 15

- **“... refers to specific actions which an institution takes to eliminate the effects of past discrimination in regard to admission of students, special programmes for disadvantaged students, as well as recruitment, hiring or promotion of employees”** (VanderWaerdt, 1982 : 209);

Definition 16

- “... refers to a set of specific and result-oriented procedures that are utilized to ensure that non-whites and women are not disadvantaged in efforts to seek employment” (Combs and Gruhl, 1986 : 1); and,

Definition 17

- “... is adopting management styles in the workplace conducive to racial integration and developing attitudes that enhance racial tolerance and racial acceptance” (Njuguna, 1992 : 1).

A review of the above definitions of Affirmative Action (numbers 11 to 17), particularly the underlined key words and phrases, confirms the perception that a narrow conception of Affirmative Action also exists. They also indicate that the concept Affirmative Action may be confined specifically to employment and the contracting sphere. According to Blumrosen (1985 : 423-440), when confined to employment, it refers to the elimination of the effects of past or current barriers to equal employment and contracting opportunity through a broad variety of activities relating to, *inter alia*, selection and recruitment, development and training and promotion practices in large organizations.

Other definitions (18 to 23 below) tend to narrow the scope of Affirmative Action even further depending on the purpose for which they were intended, hence, their apparent flexibility. Each of these perceive Affirmative Action as follows :

Definition 18

- “... is no more than a code phrase for quotas and other numerical rules such as set-asides” (Human, 1993 : 22);



Definition 19

- “... is normally associated with recruitment of individuals from groups historically discriminated against and includes quotas as well” (Peacock, 1993 : 3);

Definition 20

- “... is aimed at results and means that schedules and goals must be set in place ...” (Trade Union Educational Authority, New Zealand, cited by Ramphela, 1994 : 9);

Definition 21

- “... is associated with reverse discrimination ...” (Crosby and Blanchard, 1989 : 4; Young 1986 : 10; Sasseen, 1979 : 173-190);

Definition 22

- “... does not mean entitlements to proportional representation. It means actions to eliminate discrimination, creation of more adequate pools of talent, active searches for talent wherever it exists, revision of policies and practices that permitted or abetted discrimination ...” (Carnegie Council on Policy Studies in Higher Education, 1975 : 1-2); and,

Definition 23

- “... will not mean retribution but, upliftment; it will not necessarily involve establishing a culture of entitlement, in which Black people look for an easy ride and for sheltered employment” (Meintjies, *The Weekly Mail*, 8 November 1991).

Evident in the definitions above (numbers 18 - 23) is the association of Affirmative Action, rather narrowly, with quotas, numerical targets and goals. Also by implication it is associated with reverse discrimination and entitlement.

Analytical and tactical work would have been much easier if there were a single conceptualisation of Affirmative Action. In reality, as the aforementioned review reveals, there are contending versions located along a spectrum that extends from minimalist (narrow) to maximalist (wide) understanding and application. These versions presuppose different philosophical frameworks and theories of social change and are supported by different kinds of arguments.

Maphai (1993 : 6) takes a minimalist position on Affirmative Action. He argues in favour of a narrow version of Affirmative Action as temporary preferential treatment for women and Blacks. He views the narrow conception as involving the recruitment of groups, previously discriminated against, into positions of common, though not exclusive sites of Affirmative Action. He maintains further that this narrow conception of Affirmative Action seldom rises beyond tinkering and is primarily, though not exclusively, the domain of the private sector. In his view the wider meaning of Affirmative Action, as encompassing reconstruction and the eradication of overall inequality and poverty, should be jettisoned since these activities in any case constitute **“an ordinary permanent feature of a responsible government”** (Maphai, 1993 : 7). This contention as indicated later, is underscored and also postulated by Blumrosen, *et al.* (1994 : 217-49).

It also emerges from the above review that Affirmative Action involves a set of measures that are multi-dimensional in character. This is so because, *inter alia*, it is regarded as necessary, positive, special, temporary, public, private or government driven, preferential, result-orientated and correctional. The measures are generally aimed at individuals from specified target groups, who were previously or are presently disadvantaged by being discriminated against in terms of either race, sex, colour, creed, class or status. Such measures are introduced in order to achieve certain outcomes.

Such outcomes are to identify and redress the injustices of the past or the present by introducing compensatory acts, preferential treatment, redistribution of wealth/

opportunities, elimination of discriminatory measures, elimination of human rights infringements and the promotion of upgrading, training, access and development. The ultimate is societal reconstruction and development.

The interpretation of the nature of Affirmative Action is so vast that it can be claimed to impact on all spheres of life, namely the moral, political and constitutional spheres:

- Morally, it is regarded as an instrument of justice insofar as it calls for a systematic programme for creating social opportunities and bringing material benefits to a target group who would otherwise be deprived.
- Politically, it suggests a programme of upliftment by providing employment, services and welfare through a reallocation of state and private resources.
- Constitutionally, it calls for a set of legal requirements, which allows the preferred group to attain social benefits according to legal rights which can be enforced through the judicial system of the state.

It is, therefore, evident from the entire review thus far that the term Affirmative Action has been used in the broad sense, especially in South Africa, where it tantamounts to making policy decisions, which should actually be the task that ought to have been taken by any government to address broader issues concerning the majority of the population. Human (1995 : 53) corroborates this view, made earlier by Maphai (1993: 6-8), by also arguing that such programmes do not constitute a special form of Affirmative Action **“but are surely the responses of a democratic government to the problems of the electorate and fall within the range of normal legislation”**.

It is clear from the aforementioned review that the concept of Affirmative Action can be confined to employment. The literature reveals that this is how the concept Affirmative Action has been predominantly used abroad.



Arising from the review of the various perceptions of Affirmative Action and claims by Maphai, Human and Blumrosen, the researcher intends using the concept Affirmative Action in its narrow sense, viz., relating it to Employment Equity in institutions of Higher Education in South Africa. It is evident from the review that the tendency to treat the concept, Affirmative Action, as a substitute for transformation obfuscates the implementation of specific strategies to eliminate discrimination in the workplace. **“It is for this reason that the tendency to use Affirmative Action as a broad concept should be resisted”** (Human, 1995 : 54). In view of the wide and diverse range of practices that may be associated with Affirmative Action, Maphai (1992 : 1) endorses Human’s viewpoint that **“It is necessary to narrow down the concept of Affirmative Action if any useful analysis is to be taken”**. Therefore the researcher has focused specifically on Affirmative Action and Employment Equity in Higher Education institutions in KwaZulu-Natal in the present study.

Misinterpretation, however, has also been prevalent among those using the narrower definition of Affirmative Action as well. Contrary to popular belief, Affirmative Action related to Employment Equity, as revealed in many of the aforementioned definitions, is generally viewed as a means of overcoming constraints to equal opportunity rather than as a strategy for granting preferential treatment to the previously disadvantaged (designated groups) over others. If there were no preferential treatment, as discussed in Chapter 1, the plight of those who were previously disadvantaged will remain almost unaltered. Such a strategy invokes Equity or substantive equality (discussed later) as part of a true definition of Affirmative Action.

Non-discrimination, equal opportunity, preferential treatment, goals, quotas, compensatory and distributive justice appear to be key terms that epitomize Affirmative Action. Clarity of such concepts, in the context of this study, is necessary for an understanding of the principles governing Affirmative Action. These are discussed hereunder.

2.3 DISCRIMINATION AND NON-DISCRIMINATION

An analysis of the definitions of Affirmative Action overwhelmingly reveals that discrimination and its opposite, non-discrimination or anti-discrimination, are two important concepts related to it. This is so since one of the major aims of Affirmative Action is to eradicate any form of discrimination against people by introducing anti-discriminatory measures. It is for this reason that these terms merit discussion when developing a conceptual and theoretical framework of Affirmative Action. Also many opponents of Affirmative Action associate the concept with discrimination. As a starting point it is, therefore, vital to clarify the meaning of the concept discrimination and, thereafter, evaluate its relationship with Affirmative Action.

Discrimination is viewed in an extremely serious light by the world community. There is widespread agreement that it is **“morally wrong, fundamentally unjust, and an evil which ought to be eradicated”** (Robertson, 1991 : 26). According to the Gender Equity Task Team (GETT), established by the S A government, discrimination in employment **“occurs when a person is treated less favourably than another would be because of a characteristic that is irrelevant to his or her capacity to do a job”** (Wolpe *et al.*, 1997 : 195). Such characteristics include membership of a group, sex, marital status, parenthood, race, disability or sexual orientation (Wolpe *et al.*, 1997 : 199).

In response to the allegation that Affirmative Action is synonymous with discrimination, Asmal (1993 : 33) recalls the claim by the International Convention on Elimination of all forms of Discrimination that explicitly recognized the difference between Affirmative Action and discrimination stating that, while Affirmative Action equalizes, discrimination elevates the status of one group over the other.

Non-discrimination, a vital characteristic of Affirmative Action, is generally aimed at the elimination of any form of discrimination against employees within an organization, especially with regard to their being :

- denied services, financial aid, and other such benefits;
- provided with benefits that are different from those which others receive;
- provided with benefits in a different manner;
- subjected to segregation;
- restricted from full enjoyment of benefits while others are treated differently when determining whether they satisfy admission, enrolment, membership or quota requirements; and,
- subjected to discrimination by criteria or methods of administration that accomplish indirectly what is prohibited directly.

(Boulle, 1986 : 20)

Young (1986 : 9-10) suggests four approaches to the problem of discrimination that have been described as acts of Affirmative Action :

- *Passive non-discrimination* : Such an approach means that the employer refrains from sexual or racial discrimination in a passive manner, when choosing an applicant for a position.
- *Active non-discrimination* : This term implies that the employer will aggressively recruit Black, Brown, female and other minority applicants (previously disadvantaged in the USA) before making an employment decision on the basis of merit.
- *Restitutive non-discrimination* : In this instance the employer has been guilty of racial, ethnic or sexual discrimination in the past; in the future, preference will be given to applicants from groups previously discriminated against in order to compensate for past actions.
- *Reverse discrimination* : Here, the employer may not have been guilty of past discriminatory practice but, as a matter of policy, gives preference to hiring

members of targeted groups who have experienced discrimination in the past.

Clearly evident from the aforementioned and, contrary to the allegations of opponents Affirmative Action is strongly associated with non-discrimination. This is the view held by the researcher in the present study.

2.4 REVERSE DISCRIMINATION

Also evident in the aforementioned definitions of Affirmative Action is the association of reverse discrimination with it. Lack of understanding, poor interpretation of this term and, by implication, Affirmative Action has led to a great deal of confusion. This has created a great deal of negativity towards Affirmative Action. It is also a term that the opponents of Affirmative Action tend to capitalize on for support against it. Therefore, it calls for clarification. The present researcher proposes to clarify the term by commencing with a definition of reverse discrimination by Greenawalt (1983 : 16) :

“Reverse discrimination means a difference in treatment that reverses the patterns of earlier discrimination.”

This view is endorsed by proponents of Affirmative Action. Similar to the term discrimination or first-order discrimination which is described by Rosenfeld (1991 : 4) as **“discrimination against Blacks or women on the grounds that they are inferior or different”**, the term reverse discrimination is not only erroneously or ignorantly given a negative connotation but it is also viewed as being synonymous with Affirmative Action and that has given Affirmative Action a negative connotation.

The opponents of Affirmative Action argue that preference based on race or gender is a form of reverse discrimination. They claim that if past discrimination against those from the designated groups was wrong any present discrimination in their favour must also be construed as wrong. Both forms, they believe, are wrong because they are based on the supposed irrelevant criteria of race, gender or ethnicity. These criteria

are regarded as being irrelevant because they have little to do with the individual's ability to perform a job or with the individual's qualities as a moral human being.

This argument is unsound since preferential treatment, unlike the past discrimination, is not based on the assumption that one group of people is inherently less worthy than another because of race, gender or ethnicity. Thus, preferential treatment lacks the crucial negative element of prejudice towards a group that typified past discrimination and is, therefore, morally in a different category.

Past discrimination was based on the contemptible idea that one race or gender group was inherently inferior to another. Preferential treatment advocated by Affirmative Action in favour of members of the formerly discriminated group has no such basis. They are, therefore, fundamentally different.

Affirmative Action is simply a means of increasing the social and economic strength of formerly disadvantaged groups and does not stigmatize others. Dworkin (1977 : 15) underscores this contention by arguing that White males disadvantaged by preferential treatment are **“being excluded not by prejudice but because of rational calculation about the socially most beneficial use of limited resources”** given the immoral and unfair treatment of the past.

It is, therefore, understandable why the proponents of Affirmative Action steer away from the term reverse discrimination. They fear that the label will tag such programmes with the assumption of unjustifiability that accompanies other practices which are described as discriminatory. Further, in view of the fact that reverse discrimination may be and is often construed as being much the same as first-order discrimination with a change only in the victims, it will also be morally objectionable.

The postulate of equality embraced by Modern Liberal theory maintains that all individuals are morally equal (Rosenfeld, 1991 : 20). Therefore, it precludes disadvantaging Whites because of the colour of their skin just as much as it forbids

disadvantaging Blacks on that basis.

The difficulties involved in disassociating the term reverse discrimination from its often misconstrued negative connotation are clear from the above discussion. For that reason it will not be used as a synonym for Affirmative Action in the present study.

2.5 PREFERENTIAL TREATMENT

Implicit in the definitions of Affirmative Action reviewed is the need for some sort of preferential treatment which is often regarded as being synonymous with Affirmative Action in the literature. Preferential treatment in general **“connotes the granting of preference to one or several persons among group of competitors”** (Rosenfeld, 1991 : 43). It is important in order that the ‘playing fields are levelled’, given the injustices that the disadvantaged were forced to succumb to in the past. If there were no preferential treatment for the previously disadvantaged they would be unable to compete with others in a so-called equality-of-opportunity situation because of their already disadvantaged background. It would seem, therefore, **“that if we are to eliminate all the effects of discrimination some form of preferential treatment is also required”** (Sterba, 1993 : 287).

Rosenfeld endorses the view that preferential treatment is associated with Affirmative Action. He maintains that it is justified on the grounds of Distributive Justice and Compensatory Justice (discussed later in this chapter).

As the present study of Affirmative Action is largely confined to the context of Employment Equity in Higher Education, the researcher will focus on the meaning of preferential treatment in this specific context. To this effect the researcher draws strongly on Sterba’s (1993 : 286) definition that :

“... preferential treatment is a policy of preferring qualified women and minority candidates [previously disadvantaged group in USA]

who have been disadvantaged by discrimination and prejudice over equally or more qualified white male candidates who have not been similarly disadvantaged.”

Sterba (1993 : 286-7) argues that White male candidates who were passed over by a policy of preferential treatment had benefitted in the past from the discrimination and prejudice that were applied to women and minority candidates through unequal educational opportunities, etc., as was the case with the designated groups in South Africa. He cautions, however, that, in order to be justified, such a policy of preferential treatment should favour those candidates whose qualifications are such that, when their appointment is followed by a suitably designed educational enhancement programme, within a reasonable period of time, they will become as qualified or even better qualified than their peers or those who were passed over.

Such potential of candidates would have been lost to society because of the discrimination and prejudice of the past. Preferential treatment accompanied by suitably designed educational enhancement programme purports to actualize that very potential.

Preferential treatment, therefore, is a policy that is directed at those who qualify, but because of past discrimination and prejudice, are less qualified than they would have otherwise been. It seeks, therefore, to provide such candidates with a benefit that will nullify the effects of past discrimination and prejudice and thus allow them to progress. Sterba (1993 : 287) underscores this contention with an analogy of runners in a race:

“... who for a time are forced to compete at a disadvantage with other runners, e.g., by having weights tied to their legs, but then later are allowed to transfer those weights to the runners in the race who had previously benefitted from the unfair competitive advantage so that the results of the race will now be fair.”

Given the above, there appears to be a strong case for preferential treatment in tandem with Affirmative Action programmes. In fact Arneson (1993 : 164) is of the opinion **“that preferential treatment is morally mandatory, not merely permissible”**. The present study would, therefore, adopt this view in the study of Affirmative Action and Employment Equity in Higher Education.

2.6 GOALS AND QUOTAS

Goals and quotas, as the review of the definitions reveal, appear to be intrinsically linked to the concept of Affirmative Action. In fact, one narrow conception of Affirmative Action by Human (1993 : 22) categorically states that **“it is no more than a code phrase for quotas and other numerical rules such as set-asides”**.

The vociferous debate on rigid quotas and goals has led to a great deal of controversy. The unfortunate aspect of this saga is that, apart from creating confusion, the debate on quotas and the negativity associated with them has obscured many positive aspects of Affirmative Action. It is imperative that this review clarifies the meaning of these concepts and determines which concept will be more suitable to be included as part of the theoretical construct of Affirmative Action in the present study.

As mentioned earlier when associated with Affirmative Action there is confusion and disagreement surrounding the terms goals and quotas. Bunzel (1972)(a) : 8; 1972(c): 10-14) was one of the most vociferous critics of goals and timetables in the USA. Like other critics he too equated Affirmative Action with quotas. The word quota evokes in many an educator bitter memories of ethnic exclusions from institutions of Higher Education in the past, both abroad and in South Africa. **“It is no wonder that the very word has acquired a bad smell”** (Rachels, 1993 : 217). He maintains that, of all the policies which have been designed to combat discrimination, quotas are the most despised.

This equating of goals with quotas has also served to further intensify the emotional

level of debates over Affirmative Action. According to Pottinger (1972(b) : 29) the word quota has become “a ... **bogey man, a rallying cry**”. Such sentiments have been echoed by other proponents of Affirmative Action who relegate the goal-quota argument to a “**red herring**” or “**a phony issue**” (Leonard, 1974 : 233).

The continued equation of goals with quotas by critics hamper the successful implementation of Affirmative Action as they continue to vehemently reject the distinction between them. In fact Fleming *et al.* (1978 : 88) pointedly remark that they have to a large extent “**so poisoned the intellectual atmosphere that Affirmative Action is immediately likened to quota hiring**”. It is, therefore, evident that the continued misuse of the term quota by critics appears to be a deliberate attempt to undermine Affirmative Action by skewing public opinion and the opinions of policy makers against it.

Others contend that goals and timetables are euphemisms for rigid quotas. Beauchamp (1993 : 213) extends this concept by stating that :

“... one can tone down the language of quotas by speaking of hopes, objectives, guidelines and the like; but cosmetic changes of wording only thinly obscures any policy established to recruit minorities and women [the previously disadvantaged] in which goals are made explicit by numbers.”

Fleming *et al.* (1978 : 86) contend that goals and quotas are not the same and cautions that goals should not be confused with quotas, “**which by their very nature establish hiring ceilings**”. Supporters of Affirmative Action as well as the representatives of government agencies in the USA have repeatedly stressed the difference between goals and quotas. Like Fleming *et al.* (1978 : 80), Pottinger (1972(a) : 29) argues that quotas are “**rigid numerical ceilings**” that deliberately attempt to limit or to establish a maximum. It appears that quotas may impose a floor for one group and automatically a ceiling for the other.

Pottinger (1972(b) : 24), Faundez (1994 : 60) and other proponents on the other hand regard goals, as non-rigid and flexible objectives. They maintain that it is a deliberate attempt to include those previously disadvantaged who were historically excluded from teaching positions. Pottinger's successor, Holmes (1974 : 4) at the USA Department of Health, Education and Welfare (HEW), Office for Civil Rights (OCR) reaffirmed this distinction by stating that goals **“are not rigid and inflexible quotas which must be met”** while Bell, as cited by Navasky (1977 : 44), also alludes to the view that a quota is a fixed position. In endorsing numerically based remedies, supporters of goals assert that such remedies have not been treated as fixed quotas but rather as tools to remove past and present obstacles to equal-employment opportunity.

The Higher Education Guidelines, Executive Order 11246 (USA Department of Health, Education and Welfare, 1972 : 3) define goals as **“projected levels of achievement resulting from the analysis by the contractor of its deficiencies, and of what it can reasonably do to remedy them, given the availability of qualified minorities and women”**. They assert that goals should not be rigid and inflexible quotas that must be met but must be targets, reasonably attainable by means of applying every good-faith effort, to make all aspects of the entire Affirmative Action programme work.

Ramphele (1994 : 28) endorses the viewpoint that goals are not quotas. She, however, argues :

“... that the setting of goals does not refer only to numerical targets with regard to staff, but includes strategies that individual units and departments within organisations can adopt to address questions of institutional culture, staff development, training and mentoring programmes.”

Fleming *et al.* (1978 : 87) add that goals are management tools to assist employers to assess their rate of progress in providing equal opportunity. They also claim that the

argument of the critics, that goals and quotas are the same, is often done through juxtaposition and faulty analogy.

The concept quota is taken to imply that relative qualifications of the candidates will be set aside and the mandatory requirements or fixed percentages will lead to preferential selection (Drennan, 1986 : 28). The quota strategy also mandates bottom line results by instituting hiring and promotion restrictions (Naidoo, 1995 : 182). This implies that a specific number or proportion of disadvantaged persons **must** be hired.

In South Africa the introduction of legal quotas is not a strategy favoured by the ANC or the Congress of South African Trade Unions (COSATU) (Innes, 1993(b) : 44-45). The ANC is concerned with the impact such quotas will have on business efficiency while COSATU fears that the legal quotas would force companies, and by inference other institutions like Higher Education, to recruit from outside rather than train and develop its own employees. Innes (1993(a) : 12) contends further that the quota system is not necessarily the best means of encouraging Affirmative Action policies for the previously disadvantaged since quotas tend to reduce standards. He maintains that as long as an institution is legally bound to advance individuals from particular groups without due regard to their level of skills, standards will inevitably suffer. Sachs (1993(b) : 141), a prominent ANC stalwart and presently a judge of the Constitutional Court in South Africa, also agrees that **“quotas should never be the main means of redressing the injustices and inequalities created by apartheid”**.

In view of the confusion and disagreement that surround the concepts goals and quotas, it seems advisable, in the context of Affirmative Action, to agree on a particular definition of each for the present study. Given the antagonism towards the concept quotas by opponents and the general consensus emerging from the review of the literature on the subject in this study, each of the terms goals and quotas will be treated as being different.

Simply put quotas, apart from being regarded as a separate concept, will be viewed in

this study as a rigid, inflexible, mandatory requirement of institutions of Higher Education to meet fixed numbers in the hiring of faculty, irrespective of whether they adequately qualify for the respective positions. This would be viewed as a programme that would possibly reduce standards and impose a floor to hiring with respect to one group and a ceiling with respect to the other.

On the other hand, in this study, goals and timetables will be defined as realistically attainable, visionary, flexible, numerical targets or objectives. Such a definition will also incorporate goals as strategies and as targets introduced to expedite Employment Equity in Higher Education. It would be viewed and used as a management tool or mechanism by Higher Education institutions to enable them to assess their rate of progress in attaining Employment Equity.

On the basis of the claim by Human (1995 : 55) that **“The setting of numerical targets is indispensable to any Affirmative Action programme”** and the crystallizing of the entire argument by Fullinwider (1980 : 162) that, in the context of Affirmative Action, **“goals are good but quotas are bad”**, the goals and timetable approach will be pursued in this study.

2.7. THE POSTULATE OF EQUALITY

It is overwhelmingly evident in the preceding definitions of Affirmative Action that the principle of equality is the central element in Affirmative Action. In fact it provides the nexus between Affirmative Action, the equal protection clause of the Constitution and the philosophical conception of justice. This link between equal opportunity and Affirmative Action is reaffirmed by Rosenfeld (1991 : 29) who poetically describes equality as a concept on which **“Affirmative Action is parasitic”**.

A consideration of the question of equality immediately brings to the fore two central goals namely, racial-equality and gender-equality, moreso in the South African context. The issue of equality is, thus, at the centre of the attempt to reconcile Affirmative Action

with these goals in a way that is theoretically coherent, politically necessary and morally defensible.

In the definition of Affirmative Action, equality is viewed as a crucial mechanism to overcome inequalities experienced by those who were discriminated against in the past. Any attempt at achieving this would entail substituting the legal or formal equality with proactive intervention directed at achieving substantive equality.

A major challenge in this regard, especially in South Africa, would be to reconcile the new constitutional and legal commitments to equality of all citizens with Affirmative Action. This would inevitably involve forms of preferential treatment for some citizens and not for others. A moral and political rationale has to be established to explain the necessity for differentiated treatment in a society that has signalled its wish to depart from any form of discrimination in the future. Equality in this context would, therefore, no longer be seen as a simple undifferentiated concept applicable to all in the same way but one which has to be reviewed in its different dimensions and applications. The starting point would be to discuss the meaning of pure equality in its legal and philosophical context.

As early as Graecian times justice has been equated with equality (Ross, 1958 : 268). By the eighteenth century almost all social systems regarded equality as a positive value (Feher and Heller, 1980 : 152). Gutmann (1980 : 9-10) observed that the extensive use of equality as a positive value over the years has led to various dilutions of its meaning. Rosenfeld (1991 : 11) also, noted that the concept equality has become increasingly elusive as its growing prescriptive role tended to obscure the nature and scope of its descriptive uses. Gutmann (1980: 8-10), however, rectifies this concern, by arguing that once the context, purpose and conceptual framework are specified, the range of relevant meanings of equality becomes narrowed down.

Based on this assertion, the researcher in the present study, intends the context to be contemporary society in Higher Education institutions in South Africa and the purpose

is to assess the legitimacy of Affirmative Action and Employment Equity against the rejection of first-order discrimination in accordance with the constitutional right to equal protection. It, therefore, follows that, in order to enable a systematic assessment of the justification of Affirmative Action, a clear understanding of the concept equality, the various ways of interpreting it and its relevance to and impact on Affirmative Action, must be undertaken.

The postulate of equality embraces the philosophy **“that individuals are entitled to equal autonomy and equal respect, as subjects of moral choice, capable of devising and pursuing their own respective life plans”** (Rosenfeld, 1991 : 22). To Gutmann (1980 : 10) it is an idea that :

“... is basic to modern doctrine of individualism, equal respect for human dignity of all people being essential to the realisation of individual autonomy, the protection of privacy and the opportunity for self development.”

In accordance with the above definition, if the postulate of equality were to be satisfied completely, enough goods (jobs, places, etc. at institutions) must be made available for distribution so that each and every individual would realize fully the goals of his/her own life plan. Reality, however, dictates otherwise. An abundance of such goods is not always available. The question that arises is that, in the event of an absence of such abundance required to fulfil each and everyone’s life plan, could there be a just distribution of scarce resources which the postulate of equality in its pure form desires?

In offering a possible solution to the above dilemma, Rosenfeld (1991 : 23) draws a distinction between equality of result and equality of opportunity. He interprets equality of result to mean that each member of a class designated as a subject of equality ends up with an equal lot (of the goods being allocated). Ramphela (1994 : 8) adds more specificity to this view of equality of result. To her equality of result is equality which is measured on the basis of the staff profile of an organization, viz., the levels at which

people in different racial or gender categories are employed, the rewards they receive and the speed at which they experience upward mobility within the organization, etc.

On the other hand equality of opportunity is defined by Rosenfeld (1991 : 23-24) to mean that each member of a class has the same opportunity as every other member to obtain some scarce goods, but that all members will not necessarily end up with an equal lot as some and not all will succeed in acquiring the scarce goods. Rescher (1966 : 94) adds that justice requires the implementation of equality of opportunity whenever equality of result is not possible to achieve.

Fullinwider (1980 : 101) clarifies the concept equality of opportunity by using examples. He maintains that formal equality of opportunity is when X and Y have equal opportunity in regard to A so long as neither faces a legal or quasi-legal barrier to achieving A. In other words formal equality of opportunity requires that laws or other quasi-legal devices, as was the case in South Africa in the past, should not be used to deprive subjects of the means already in their possession or within their capacity to obtain jobs in the future. Thus, for example, a law that forbade Blacks or women from competing for certain scarce jobs or positions would be depriving them of formal equality of opportunity. Similarly legislation that makes it illegal for Blacks to obtain the necessary education that would make them eligible for certain scarce jobs would also deprive them of formal equality of opportunity.

Gutmann's (1980 : 8-10) view of the concept equality of opportunity (mentioned earlier), will be viewed in the context of contemporary Higher Education society in South Africa since the present study will be focusing on it. The institutionalisation of political, legal, economic and moral inequalities typified the South Africa of the past. No meaningful equality of opportunity was granted to the majority of the population. It afforded excessive advantage and opportunities to the minority White group and denied even basic provisions to the majority of people of colour. Under the present new egalitarian system equal treatment of those who were **included** and those **excluded** within such a system can hardly be described as rational or fair since the one group was previously

advantaged while the other was disadvantaged.

In view of the fact that the 'playing fields were so uneven' then, social justice now demands some sort of differentiation of treatment. The agent for such differentiation would be Affirmative Action since it does not treat those who are unequal as though they were equal. The International Convention on Racial Discrimination of the United Nations Organization (UNO) cited by Van Dyke (1990 : 22) supports this viewpoint and states that :

“Differentiation that imposes short term burdens on some for the benefit of others is permissible so long as the purpose or effect is to promote the equal employment of human rights.”

When considering the relationship between equality, equality of opportunity and Affirmative Action many proponents are usually sceptical about whether equality of opportunity generates meaningful or real equality. They claim that, in a society ridden with discriminatory legacies, formal equality of opportunity may only be a necessary condition of equality but **not a sufficient condition**. It is there that Affirmative Action can play a major role in establishing a connection between formal and actual or real equality of opportunity. It is felt that, given the experiences of the previously disadvantaged, this type of equality, referred to as **substantive equality** in the literature, would put citizens on an equal footing in socially relevant areas of life. This is supported by many proponents of Affirmative Action. Among them, for example, Singh (1996 : 55-56), argues that :

“In a society ridden with every kind of inequality, the establishment of formal equality of opportunity and the facilitation of substantive equality of opportunity are giant steps on the road to equality.”

Extending this notion, but introducing different terminology, Subotsky (1998(a) : 3) draws a vital distinction between equality which he describes as **simple equality** and

equity which he refers to as **complex equality**. He argues that :

“Equity is not just a matter of equalizing employment. It also crucially entails ensuring retention and development through providing ‘enabling’ conditions, opportunities and institutional practices which address the obstacles and barriers experienced by marginalized groups. This implies recognizing ... and addressing relevant differences with the aim of reducing inequalities (through interventions which provide such enabling conditions). Pursuing justice therefore implies the conceptualization of a ‘complex’ notion of equality which accommodates both equality and difference.”

Burton (1997 : 180) underscores Subotsky’s view by interpreting the difference between Equity and Equality in a similar manner. She describes Equity as meaning “... **appropriately different treatment and minimal, unreasonable differential impact ...**” and Equality as “... **identical treatment and the application of the same rules to everyone regardless of any disparate effect ...**”. What is also significant is that this definition of Equity guides employment practices in Australia.

On the basis of the above definitions, indirect discrimination occurs when rules or practices are applied to all citizens equally although they may appear to be neutral. In actual fact they will have an adverse effect on specific groups of disadvantaged people who are covered by the equality of opportunity legislation. By this is meant that indirect discrimination results from practices which might appear fair in form and intention but which are discriminatory in impact and outcomes and are not reasonable under the specific circumstances.

The principle underlying this provision was first articulated by the Supreme Court of the USA in the case of *Griggs v Duke Power Company* (1971 : 424). The court was of the view that the criterion for recruitment or promotion, although appearing equal on face value, need not necessarily provide equality of opportunity *per se*. This is tantamount

to offering an equal amount of milk as food for the fabled stork and the fox alike in an equally sized shallow plate which underscores the view that practices can be fair in form but discriminatory in its implementation.

Ramphele (1994 : 8) alludes to the argument presented by Subotsky and Burton by also introducing and accepting the term Equity as being “... **fairness; recourse to principles of justice to correct or supplement the law**”. Others in the literature on the subject refer to Equity as real/true/fair/actual equality of opportunity or substantive equality.

A necessary supplement to the above understanding is provided by Young (1990 : 26) who also adds crucial dimension of enablement to the idea of equal opportunity. He suggests that opportunities are :

“... states of affairs that combine the absence of insuperable obstacles with the presence of means - internal and external - that gave one the chance of overcoming the obstacles that remain. Opportunity in this sense is a condition of enablement ...

A person has opportunities if he or she is not constrained from doing things, and lives under enabling conditions for doing them.”

It is clearly evident from the above that the idea of enablement focuses on the positive and special measures necessary for equality of opportunity to be real. Such measures would not only include availability of material resources but would also comprise greater emancipatory possibilities in other spheres of life. Only under these conditions could one legitimately argue that prospects, especially for the previously disadvantaged, are truly equal.

The aforementioned discussion on the definitions and interpretation of the concepts equality and equality of opportunity in relation to Affirmative Action provide a rationale

for differential treatment in a society where the majority were subjected to a history plagued by political, legal, economic and moral inequalities. From the discussion it is clearly apparent that equal treatment of both those who were excluded and those who were included within such a dispensation would be unfair. Hence, formal equality of opportunity on its own, whilst it is a necessary condition, is not a sufficient one. Formal equality of opportunity before the law, if administered in its pure form, will, therefore, become an engine of oppression and will contribute to entrenching inequalities in the political, economic, social, cultural and other fields of public life rather than obviating it.

A means by which the unreasonableness of formal equality of opportunity could be reduced or avoided is to apply **special measures**. Such special measures (enabling conditions) call for a broadening of the domain of equality of opportunity, for which many of the proponents of Affirmative Action clamour. This incorporates the concept of Equity or fairness. This will be the interpretation in the present study. The special measures, while it may be described as *ex hypothesi* and discriminatory in character, deny formal equality to all before the law in order to achieve effective genuine equality. Vierdag (1973) in the Concepts of Discrimination in International Law, (cited by Ronalds, 1988 : 15) makes a case for Equity so eloquently that the researcher decided to sum up the argument in his words :

“The seeming, formal equality that in a way may appear as equal treatment is replaced by an apparent inequality of treatment that is aimed at achieving ‘real’ material equality - somewhere in the future. And this inequality of treatment is accorded precisely on the basis of characteristics that made it necessary to grant it : race, religion, social origin and so on.”

2.8 AFFIRMATIVE ACTION AND JUSTICE

In a society, such as South Africa, in which discrimination and exclusion have left a legacy of political, social and economic injustice, is Affirmative Action as a method of redress just? Therefore, the researcher sought to investigate the type of justice that may form part of the theoretical framework of Affirmative Action.

Political theorists, taking their cue from Aristotle, identify two kinds of justice : Distributive and Compensatory Justice. Distributive Justice involves the fair distribution of goods, offices, honours and burdens among citizens of the state. Vlastos (1984 : 44) lists the following principles of Distributive Justice :

- to each according to his need;
- to each according to his worth;
- to each according to his merit;
- to each according to his work; and,
- to each according to the agreement he has made.

Compensatory (corrective) Justice concerns the rectification of past wrongs or compensatory transaction between individuals. Under Compensatory Justice the person who commits an injury to another is obligated to compensate the injured party with the objective of restoring the equality that existed prior to the wrongful injury.

Coleman (1983 : 7) believes that Compensatory Justice may be regarded as an independent principle of justice. This is so since it may be used legitimately to reinstate distribution of holdings by acts which would themselves fail the test of Distributive Justice.

Assuming, for the sake of argument, that justice requires the institution of formal equality of opportunity, the implication for the state would be that it should not impose legal or quasi-legal obstacles in the competition for jobs. Hence, if a government is

confronted with claims for redress of injustices suffered as a result of past violation of the right to formal equality of opportunity, the apparently obvious and simple solution to the problem would be to remove the unjust legal or quasi-legal obstacles of the past and to introduce the legal equality of opportunity. While on the one hand such an act may lead to the restoration of the kind of compensation envisaged initially, it may however, also be that a mere removal of such obstacles would not suffice to restore the kind of conditions that would have existed prior to their imposition.

It becomes apparent, therefore, that long established and severe obstacles imposed on some (e.g., Blacks or women South Africans) but not on others (e.g., White South Africans) had placed the former at such a disadvantage that the removal of obstacles would not improve their prospects of success in the relevant arenas of competition to more than a mere possibility. This proves that even if there were unanimous agreement on a single principle of justice its proper application would more likely differ from one situation to another.

In analysing the principle of Compensatory and Distributive Justice in the context of Affirmative Action, Goldman (1979 : 65-67) argues that when the need for compensation arises out of a violation of a distributive norm there is a solution to the dilemma, posed by the fact that distributive and compensatory aims could be mutually contradictory. The solution he proposes holds that compensation for past violations of the principle of distribution should take precedence over distributive considerations even though it may entail temporarily suspending the application of the distributive principles. For example, violation of equal opportunity rights in the case of job allocation might have to be compensated by awarding the victim a subsequently available job even at the sacrifice of depriving a non-victim of his/her right to equal opportunity related to the latter job. He justifies this by stating that unless compensatory claims are given precedence over distributive claims those who originally violated the victim's rights could continue to undermine the legitimate distributive principle. To prevent this, and ultimately to preserve the integrity of a violated distributive principle, one may have to set the distributive principle temporarily aside.

From the aforementioned it is apparent that the notion of Compensatory Justice should be incorporated in the application of Affirmative Action. This indicates that Affirmative Action under the above circumstances is just.

Goldman's analysis related to the above example would present little or no long term conflict between Compensatory and Distributive Justice. Hence, in the light of the aforementioned discussion the function of Compensatory Justice would be to contribute to the long term realization of just distributive norms. All that Compensatory Justice requires of perpetrators is for them to surrender their illicit gain, which is one of the major aims of Affirmative Action.

2.9 AFFIRMATIVE ACTION AND THE QUESTION OF MERIT AND QUALIFICATIONS

Critics of Affirmative Action often claim that it violates the merit system. They allege that Affirmative Action and merit are antithetical (Fleming *et al.*, 1978 : 89). These claims have been repeated so often by the opponents of Affirmative Action that they have almost assumed the semblance of fact. Critics consistently expose a general fear that hordes of (less qualified) women and minorities (disadvantaged in the USA) will be displacing (more qualified) White men (Benokraitis and Feagin, 1978 : 151). They also claim that it has led to the lowering of appointment and promotion standards at institutions of Higher Education. In this way they managed to keep alive a heated debate that has tended to obfuscate the real intent of Affirmative Action programmes.

In the light of the above it becomes necessary to discuss Affirmative Action and merit. This will provide clarity as to whether merit forms or should form an intrinsic part of the theoretical construct of Affirmative Action. As a starting point the traditional requirements of merit postulated mainly by opponents of Affirmative Action will be discussed. The mechanisms by which scarce resources such as jobs, positions and so on are allocated in society are typically understood through reference to the twin concepts of merit and qualifications. Basing rewards such as job appointments,

promotion, admission and so forth on individual merit and appropriate qualifications are generally accepted as the procedure that best realizes the value of justice. Generally, the terms merit and qualifications are used interchangeably and are also treated synonymously.

Both merit and qualifications are accepted as attributes of an individual that the rewarding institution assesses. They are regarded as essential elements of a commitment to meritocracy. It follows, therefore, that jobs/positions would generally be offered to those individuals who are best qualified. Further, if merit stands as an essential attribute of the individual it will be hierarchically distributed from one individual to the next through time. Thus, to suggest that the criteria for hiring be redefined to accommodate the previously disadvantaged Blacks or women, immediately produces a charge of reverse discrimination from the opponents of Affirmative Action.

The proponents of Affirmative Action assert that existing criteria are culturally biased and should, therefore, be reviewed to cater for the changed circumstances. An example of such bias is provided by IDASA, (1995 : 6) that maintains that **“people prefer to give jobs to people like themselves”** which results in a bias in favour of people similar to the selectors who are more commonly White males or often those from the previously advantaged group. Such cultural bias also reveals itself in the perception of stereotypes associated with White men on the one hand and women and Blacks on the other.

The proponents of Affirmative Action also criticize the application of universally-based standards applied to all individuals equally. They maintain that it is a mechanism designed to ensure that the racially privileged remain as the privileged caste. The vocabulary of meritocracy, proponents claim, is employed to oppose any measure that seeks to stifle the development of the élite whose privileged position is often the consequence of unfair access to social rewards in the past.

For Affirmative Action to be successful, the proponents challenge the traditional view

of meritocracy with the aim of a reconceptualisation of its meaning. Proponents of Affirmative Action insist that the above should be based on an appreciation of the structural limits to opportunity that mitigated against and still mitigates against those individuals from the previously disadvantaged race and gender groups.

Opponents of Affirmative Action argue that, by choosing the allegedly best candidate for a job on the basis of supposedly irrelevant criteria such as gender and race, Affirmative Action violates the merit principle. As indicated earlier on by Justice Blackmun and others, proponents of Affirmative Action claim that gender and race were indeed the most obvious criteria that limited career opportunities for members of the designated groups in the past. On the basis of this, consideration of race and gender is necessarily warranted as means to rectify this injustice. Proponents, however, caution that it should not necessarily be the only means of qualifying for a job.

Opponents of Affirmative Action maintain that the outcome of the strategy of redefining or reconceptualising criteria for appointment or promotion leads to the compromising or lowering of standards. Praeger (1986 : 32) makes a similar observation by stating that opponents confuse the changing of standards with lowering them. The question then arises : Whose standards? Proponents argue that the so-called standards are no more than social constructs reflecting society's subjective preference of what qualifications are appropriate for a given position. They argue that Affirmative Action does not call for a lowering of standards but rather that they be redefined. They maintain that often traditional standards required are not totally relevant to performance or efficiency in the job. In fact it is found that requirements such as advanced degrees and extensive work experience are often used to exclude women and Blacks from certain positions of privilege and power. Glickstein concurs with this and states that :

“If there were some foolproof lithmus test for determining merit, perhaps I would be fearful of tampering with the system. But the rules have been so rubbery in the past that I become a bit

suspicious when a new rigidity is demanded as women and minorities [disadvantaged in USA] appear at the gates.”

(Cited by Maguire, 1977 : 651-652)

Past criteria for hiring have generally limited the supply pool to White males who were part of the **old boy** network. Affirmative Action seeks to correct this exclusionary practice by increasing the supply pool to include more Blacks and women. Affirmative Action, therefore, does not violate the principle of merit. Instead it provides an opportunity for more qualified candidates, regardless of race or sex, to compete on an equal basis.

IDASA (1995 : 7) enunciates the above view by stating that Affirmative Action policies which contain measures to over-ride the conventional criteria for appointment **“enshrine rather than displace the merit principle”**. Such measures, they claim, would ensure that only relevant and appropriate criteria are used for appointments and promotions and that proper consideration would be given to all qualified candidates regardless of gender or race. Ezorsky (1991 : 88) extends this perception in the belief that since traditional qualifications **“have an exclusionary racial impact”** they must be redefined by pinpointing the specific abilities needed for a certain job performance. When enforced, she claims, these measures would ensure that such job requirements would really measure the ability to do that job. In order to achieve the above Burton (1988 : Monograph 2) suggests that the merit principle should be redefined as the :

“Revision of standards and practices and selection criteria to ensure that they do not exclude qualified people from consideration for positions and employment benefits. This involves not only removing arbitrary, artificial and unnecessary barriers to employment opportunities, but a re-assessment of current standards so that a more realistic interpretation of what merit actually involves for particular jobs or benefits is applied.”



In summary, proponents of Affirmative Action request that employers look beyond traditional criteria and reflect on those characteristics that directly impact on job performance. This would enable employers to spot members from previously disadvantaged groups who have the ability and potential to succeed. Finally, Mandela's statement at a conference at University of Cape Town (UCT) in 1991 supports the viewpoint of the proponents and refutes the criticisms of the opponents in the South African context. He said :

“... it is not the aim to ensure the advancement of unqualified persons, but to see to it that those who have been denied access to qualifications in the past can become qualified now and that those who have been qualified all along, but overlooked because of past discrimination, are at last given a chance.”

(Mandela, 1991 : Conference at UCT)

Given the aforementioned discussion on Affirmative Action and merit, in the present study, Affirmative Action would be based on the individual's potential to succeed in a particular job and not on academic merit alone. This will be accepted against the background that the job requirements of the Higher Education institution must be related to job performance.

2.10 AFFIRMATIVE ACTION AND EMPLOYMENT EQUITY

Affirmative Action and Employment Equity, as indicated by the review thus far, are complex terms with varied meanings depending to a large extent on the context in which they are used. Proponents generally regard Affirmative Action (and Employment Equity) as positive measures or tools which empower people who have been discriminated against in the past (particularly in the workplace), while opponents consider Affirmative Action and efforts towards Employment Equity to be discrimination in reverse (Potts, 2000 : 13). Potts (2000 : 13-14) extends this perception further with

the following:

- **“... Affirmative Action and Employment Equity are two distinct but related terms;**
- **... employment equity is a desired goal for employers and is a situation in which discrimination does not occur and the workforce is adequately trained and representative of the population;**
- **... Affirmative Action is a strategy geared towards achieving employment equity; and,**
- **In most employment equity legislation, two main elements are present :**
 - ❖ **removing discriminatory legislation, policies and practices**
 - ❖ **Affirmative Action measures.”**

Human (1995 : 62-63) concurs with Potts (2000 :13-14) that the confining of Affirmative Action to the employment and contracting sphere is what Employment Equity is about. Blumrosen (1985 : 423-440) extends this perception further; he refers to it as the measure that would eliminate the effects of past or current barriers to equal employment and to contract opportunity through a broad variety of activities relating to, *inter alia*, selection and recruitment, development and training and promotion practices in large organizations.

Employment Equity also gives effect to the South African constitution's commitment to equality as applied to employment and it also fulfills South Africa's obligation in terms

of the requirements of Convention No. 111. Convention No. 111 of the Convention Concerning Discrimination in respect of Employment and Occupation requires member states to declare and pursue a national policy designed to promote “... **by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof**”. Article 5 of Convention 111 specifically includes “... **special measures which are designed to meet the particular requirements of persons who, for reasons such as sex, age, disability, family responsibilities or social or cultural status, are generally recognized to require special protection or assistance**”. Employment Equity, therefore, is premised on the goals of equity and justice on the one hand and efficiency and economic growth on the other.

It is evident from the above that Affirmative Action and Employment Equity are so closely related that they are almost interchangeable. In view of the fact that this study specifically deals with the employment of academic staff at institutions of Higher Education in a kind of minimalist way, Affirmative Action and Employment Equity will be used in an interchangeable manner. Employment Equity forms a part of the theoretical framework of Affirmative Action in the present study.

2.11 AFFIRMATIVE ACTION AND TOKENISM

Some of the practices, especially with regard to hiring and promotion of people of colour from the designated group abroad and more especially in South Africa, (although described as Affirmative Action by the employer) are, in actual fact, a semblance of tokenism. Much of such practices arise from the failure to understand the concept Affirmative Action and its implementation. Other practices are undertaken deliberately for reasons best known to the practitioner.

The need for this review under the theoretical and conceptual framework of Affirmative Action is imperative because tokenism is often associated by opponents with

Affirmative Action. It needs to be clarified so that tokenism, leading to, *inter alia*, inefficiency and a drop in standards, does not form an intrinsic part of the concept of Affirmative Action (Sarakinsky, 1993 : 7). Unfortunately, it is deliberately construed to be so by opponents in order to justify their own claims and agendas.

Ramphela (1994 : 12) identifies two different types of tokenism. The first concerns the appointment of individuals from the previously disadvantaged groups to specific positions in order to create a better staff profile. Innes (1993(a) : 15) describes this as **“window-dressing - to look good in the eyes of either the international community or Black consumers”**. Sarakinsky (1993 : 6) describes this as an attempt to darken the complexion of the institution. The second concerns Affirmative Action programmes that are introduced for socio-political expediency rather than a genuine attempt to transform the human resource practices within an institution. In other words an institution engages in a practice in an attempt to appear politically correct rather than for the common good of the workforce and ultimately the nation.

The first type can take on any of two forms. In the first form, positions are created for the sole purpose of being filled by a member of the previously disadvantaged group. Generally such positions have little or no important function within the organization. The second form includes promotion or appointment of individuals to positions that are beyond their level of competence for the explicit purpose of creating a better staff profile.

Apart from being unproductive to the organization both these practices can be very damaging to the individual beneficiary, in that they make it difficult for the individual concerned to assume a meaningful and productive role in the organization. Under-performance, at whatever tasks assigned to them, becomes the norm. This is generally due to the lack of necessary skills or experience which in turn results in further undervaluing and negative feedback. This culminates in a vicious cycle of failure which serves to reinforce existing and past prejudices against those from the designated group.



An example of the first form is presented by Innes (1993(a) : 15). Essentially what the institution does is promote or appoint members of the previously disadvantaged group into very visible positions, without ensuring that they have the requisite skills to take responsible decisions in their new posts. In such appointments membership of the designated group, irrespective of qualifications and experience, is turned into an advantage in the selection process. In order to reduce the damage that could possibly ensue, the institution devalues the post. Thus, although the post still carries a grand-sounding title it is stripped of its decision-making powers to ensure that the **“... token Black or women cannot inflict too much damage on the organisation”** (Sarakinsky, 1993 : 6). This form of Affirmative Action, if it can be labelled as such, is particularly pernicious in that it denigrates the designate Black incumbent in the eyes of his/her colleagues and subordinates. This is more so if colleagues are aware of the changes that the post has undergone since the new incumbent was appointed.

An example of the second form of tokenism in South Africa was the appointment by multi-national corporations during the 1980s of token Black managers with little authority or responsibility. This was done in order to meet the requirements of what was then called the Sullivan Code of Conduct demanded by USA investors/companies in South Africa. The Black managers so appointed were painfully aware of their token positions and came to refer to their job cynically and bitterly as Sullivan jobs. In addition, such tokenism undermined genuine Affirmative Action initiatives either through its association with the failures of token appointees or through members of designated groups being unwilling to participate in the programme for fear of being labelled a token.

Tokenism is also seen in situations where institutions develop an Affirmative Action policy with the intention of appointing a number of people from the previously disadvantaged group but without any intention of creating a truly equitable employment environment. This has a negative effect on both the individual beneficiary and the institution. Although the individual gains access to a position in the institution, without the necessary support and the removal of informal barriers to performance, he/she is

unlikely to excel. The institution suffers the same fate, having employed or promoted a person who is not as productive as he/she should be, increases the risk of entrenching old prejudices and tensions.

Tokenism also arises when there is a replacement of certain social groups into positions of power, authority and privilege, in line with some or other political programme or ideology. The rapid Africanisation of the civil service in the then newly independent African states and the Afrikaanerisation of the South African civil service during the apartheid regime are examples of this.

Tokenism is also evident when institutions employ Blacks or women purely to fill some kind of quota system. The tragedy of such a practice is that the Blacks or women are promoted to positions but are not empowered to perform the duties (Maphai, 1992: 7). Human (1991 : 16) agrees with this, stating that emphasis is placed on meeting quotas in recruitment rather than concentrating on the development and promotion of Blacks and women in organizations. This tantamounts to setting the employee up for failure.

In the researcher's view the sad and disappointing factor is when the general public interprets the token appointment as part of a genuine Affirmative Action plan, for not knowing better. This results in the development of a negative attitude resulting in opposition to the introduction of such programmes on the basis of the non-performance of token Blacks or women.

On the basis of the aforementioned, tokenism will be divorced from the concept Affirmative Action. The present study will neither condone nor recommend or accept any such attempts as a means of Affirmative Action when analysing its contribution in attaining Employment Equity in Higher Education.

2.12 AFFIRMATIVE ACTION AND THE QUESTION OF ENTITLEMENT

Entitlement is yet another concept associated with Affirmative Action again mainly by opponents in an attempt to discredit the concept. The purpose of including the concept of entitlement under the discussion of the theoretical and conceptional framework of Affirmative Action is to dispel any doubts or illusions that it forms an intrinsic part of the concept of Affirmative Action. This will be done by highlighting the negatives associated with it and its incompatibility with Affirmative Action. As a starting point one needs to refer to the view of the Carnegie Council on Policy Studies in Higher Education in the USA (CCPSHE) (1975 : 1-2) and that of Meintjies (1991 : 8) locally who categorically declare that Affirmative Action **“does not mean entitlement to proportional representation”**.

Sowell (1990 : 123-124) maintains that this **“sense of entitlement ... independent of skills or performance ... has long been an accompaniment of preferential policies”**. He cited the following examples in order to substantiate his claim :

- The poor performance of school-going children in Virgin Islands was attributed to their being aware that, as USA citizens, jobs will be easily available to them irrespective of their performance.
- Malaysian students, sensing that their future was secure through Affirmative Action, showed a lack of interest in their own performance.
- A supporter of preferential policies for those described as untouchables in India had to urge medical and engineering students from this very caste to abandon their indifferent attitude towards their studies.

De Villiers (1997 : 144) maintains that the so-called entitled beneficiaries appointed under the guise of Affirmative Action often find themselves in a position which should in actual fact be one of strength if based on personal ability but which rather culminates in their reaching a state of powerlessness. The implication of this statement is that beneficiaries did not have at least the necessary minimum ability for the job which runs

counter to true Affirmative Action. He/she was probably appointed on the basis of the fact that he/she belonged to the designated group and, therefore, felt entitled to the job.

Andrews (1992 : 38), referring to the Carter Report (1991), found that such entitled beneficiaries felt a sense of powerlessness in the long run because they had to live under the burden of the constant scrutiny and suspicion that their appointment was based on favouritism. Their personal dissatisfaction, uncertainty, lack of self-confidence and feelings of injured honour was due, in the main, to being hired on the basis of group membership rather than on the basis of their skills and ability (Kleiman and Farley, 1988 : 494-495). Other contributory disempowering influences are job dissatisfaction, stress and the potential conflict between themselves and non-beneficiaries as well as fellow beneficiaries who are often suspicious of the extent of the benefit enjoyed by others (Weiner, 1993 : 13).

A further problem is the strong possibility of a growing dependence of the so-called entitled beneficiaries that results in their assuming a weak and disempowered position. Stern (1993 : 46) maintains that, since they entered the job on an entitlement ticket rather than on the basis of genuine Affirmative Action, which is based on potential and merit, they are always being done a favour by being allowed to take soft options and to avoid conflicting realities. Sachs (1993(b) : 129) criticizes this paternalistic or patronising behaviour which entitlement conjures. He describes it as a **“re-division of the spoils in order to appease consciences on the one hand and buy peace on the other”** but not to promote the Equity that is central to the whole enterprise of Affirmative Action.

De Villiers (1997 : 143) extends this argument further by stating that during the early years of the apartheid regime in South Africa, the aspirations for efficiency among Whites were weakened because they were ‘feather bedded’. This resulted in their neglecting to qualify themselves for promotion but, rather, relied on being White instead, a qualifying characteristic for preferential treatment then. Given this background (Nkhuhlu, 1993 : 15) urges members from the designated group to discard

the culture of entitlement and to be willing and motivated to work hard and to make sacrifices that are necessary for success in order not to share the same fate as the abovementioned Whites.

2.13 AFFIRMATIVE ACTION : TOWARDS A DEFINITION FOR THE PRESENT STUDY

In the present study Affirmative Action is defined against the background of the following principles :

- It will be regarded as a strategy geared towards achieving Employment Equity.
- It will not give credence to the principles associated with rigid quotas, reverse discrimination, entitlement and tokenism in its application.
- Its objective will be to eliminate all forms of discrimination in Higher Education employment practices by setting up and attempting to achieve flexible goals and timetables as well as other objectives and strategies to eliminate such discriminatory practices.
- It will be temporary and flexible.
- It will be based on the broader domain of equality of opportunity, viz., Equity/substantive equality.
- It will be based on merit redefined as the individual's potential to succeed in a particular job and not on academic qualifications alone.
- The target group will be the previously disadvantaged groups made up of Africans, Indians, Coloureds and women referred to as the designated group in the Employment Equity Act.

Against the background of the above principles and for the purpose of the present study Affirmative Action will be defined :

“As the additional corrective steps which must be taken in order that those who have been historically disadvantaged by unfair

discrimination are able to derive full benefit from an equitable employment environment.”

(Department of Public Service and Administration, 1998 : 3)

2.14 CONCLUSION

In summary the mind map (Figure 1) illustrates the concepts related to the nature and scope of Affirmative Action in general. Included in this summary are also those concepts which opponents of Affirmative Action perceive as being part of it. Figure 2 summarizes the concepts related to Affirmative Action as viewed by the proponents. It includes the broad approach (the maximalist version) as well as the narrow approach (the minimalist version). Figure 3 summarizes the view of Affirmative Action as proposed in the present study. This is the minimalist version and is, therefore, restricted specifically to Employment Equity in Higher Education.

In attempting to arrive at a theoretical and conceptual framework of Affirmative Action in the present study a number of perceptions, attitudes and challenges emerged. The next chapter deals more specifically with them.

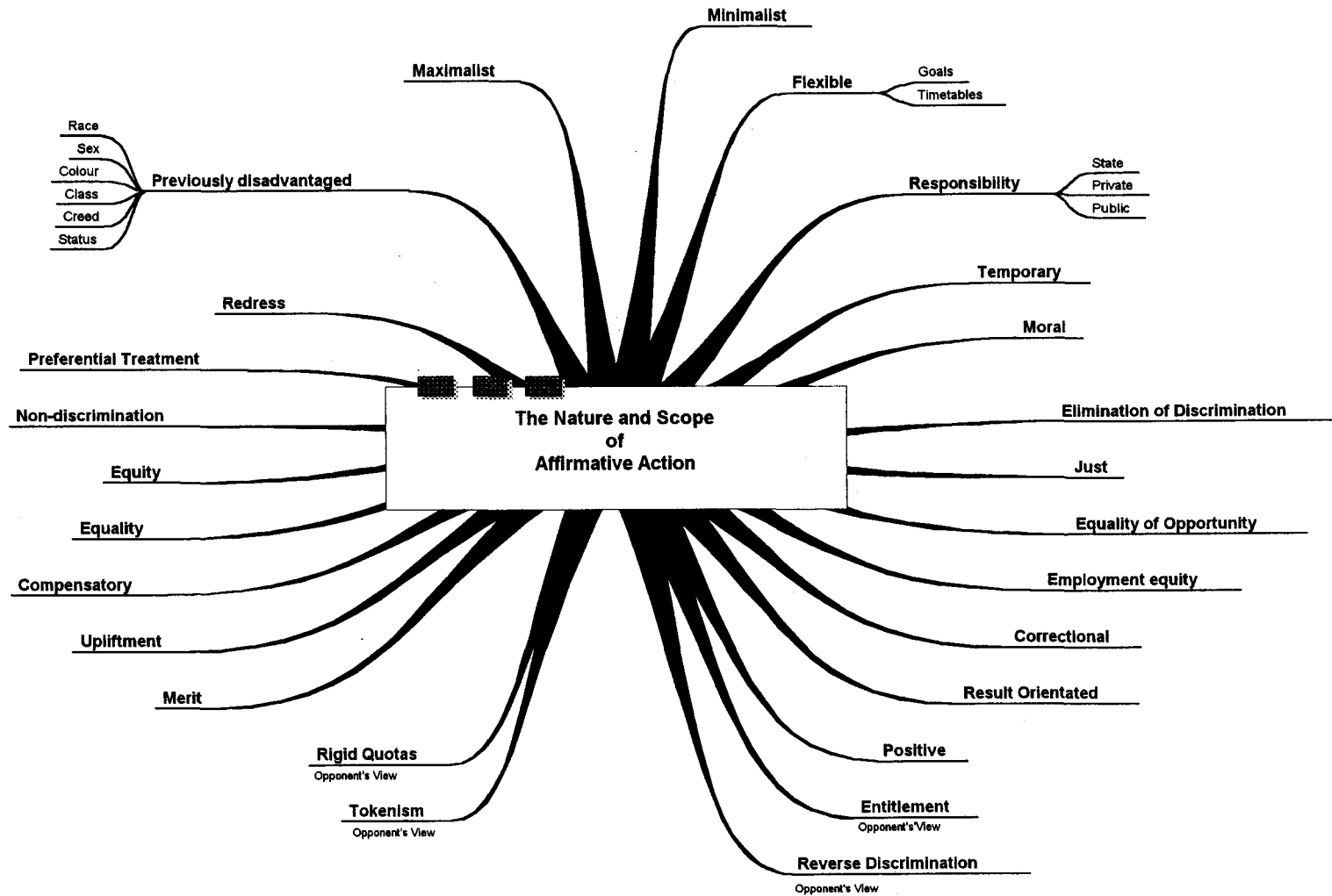


FIGURE 1: SUMMARY OF THE NATURE AND SCOPE OF AFFIRMATIVE ACTION

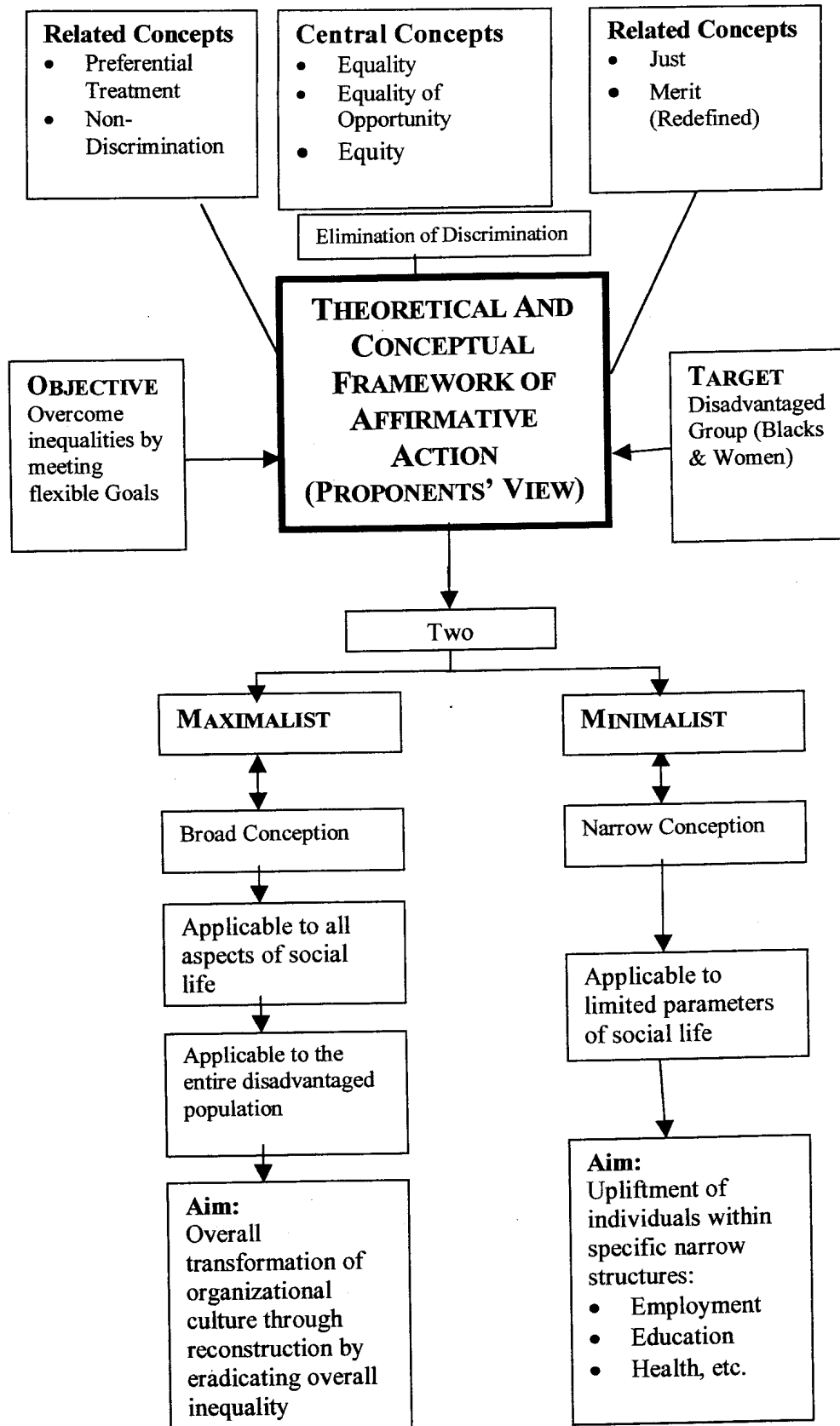


FIGURE 2: ORGANOGRAM ILLUSTRATING THE GENERAL THEORETICAL FRAMEWORK OF AFFIRMATIVE ACTION

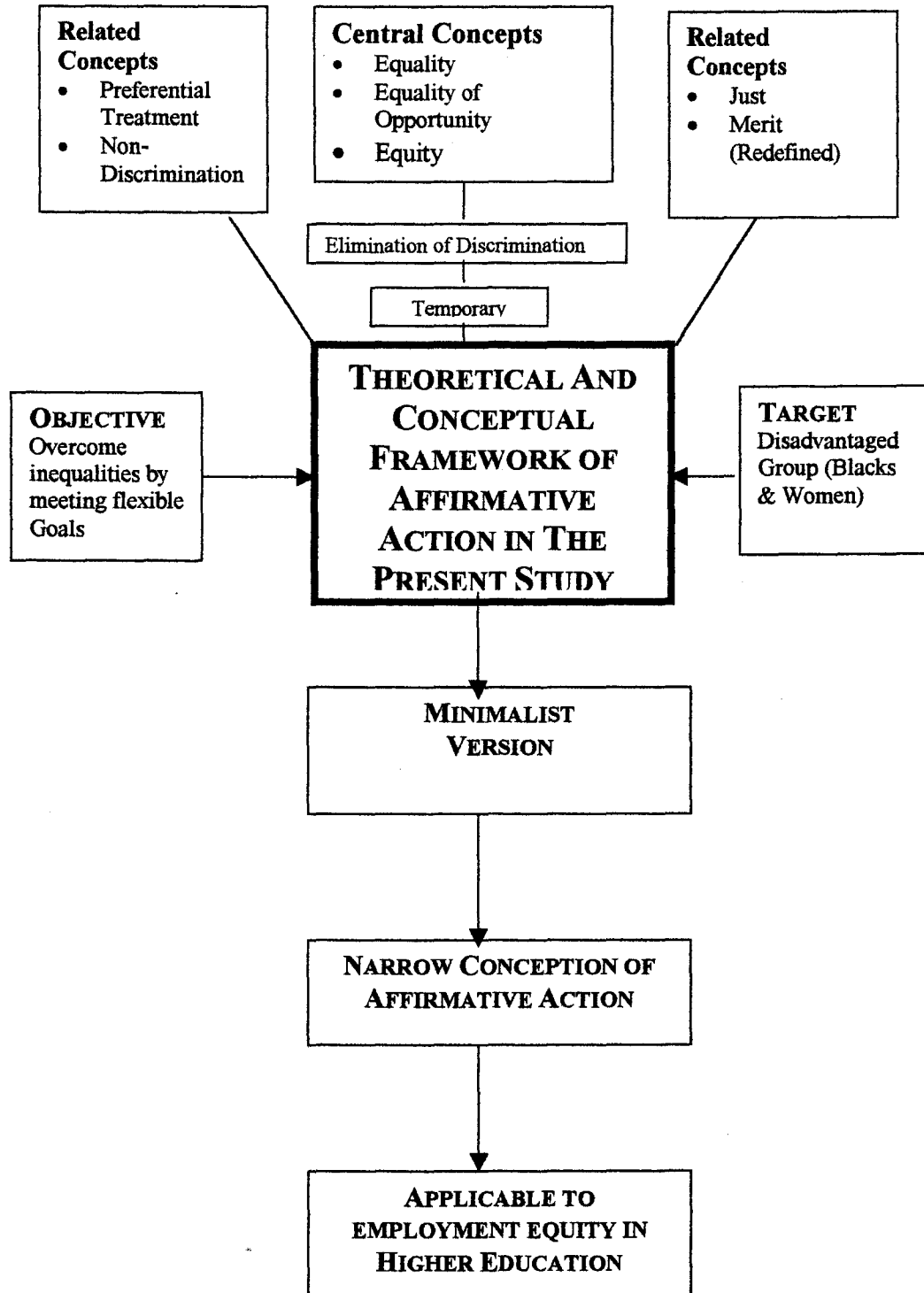


FIGURE 3: ORGANOGRAM ILLUSTRATING A THEORETICAL AND CONCEPTUAL FRAMEWORK OF AFFIRMATIVE ACTION FOR THE PRESENT STUDY



CHAPTER 3

PERCEPTIONS, ATTITUDES AND CHALLENGES RELATED TO AFFIRMATIVE ACTION AND EMPLOYMENT EQUITY

3.1 INTRODUCTION

The researcher includes this chapter as part of the research project for the following reasons :

- One of the focuses of the present study is on the perceptions of and attitudes to the practices and procedures related to Affirmative Action and Employment Equity.
- The literature survey reveals that such perceptions and attitudes generally have a bearing on the success or failure of Affirmative Action and Employment Equity programmes.
- Given the theoretical framework of Affirmative Action as discussed in the previous chapter, the researcher wishes to assess the impact of perceptions and attitudes to Affirmative Action against this framework.
- The questionnaire in this study was administered to explore the perceptions of and attitudes to Affirmative Action and Employment Equity among academic staff in Higher Education Institutions. The responses will be evaluated against the relevant information in the review of literature.

A review of the constraints and challenges facing the successful implementation of Affirmative Action and Employment Equity programmes which forms the second part of the chapter would provide food for thought for the implementers. Apart from alerting them to the possible challenges, it could engage them in a search for alternate

strategies to avert such problems.

Further, the present study also surveys the constraints and challenges experienced by the local Higher Education institutions. Such challenges would be explored against those revealed by the literature.

In attempting to educe the general perceptions and challenges facing Affirmative Action and Employment Equity this chapter will examine arguments for and against Affirmative Action. This will complement the various perceptions, attitudes and challenges that have already been discussed in Chapter 2 and those related to specific countries in Chapter 4.

During the last two decades the relationship between Affirmative Action, justice and equality has been extensively examined by many legal scholars and philosophers abroad, especially in the USA. In fact in the USA, during the period 1978-1990 the USA Supreme Court has given verdicts on ten closely divided major Affirmative Action cases (Rosenfeld, 1991 : 1). While there is great concern in South Africa about Affirmative Action, that is revealed, *inter alia*, by the numerous articles in newspapers (refer Appendix 3), there is still a dearth of information and research regarding the perceptions of and attitudes to Affirmative Action in South Africa, more especially in Higher Education. This is probably due to the fact that post-apartheid South Africa has become a recent addition to the list of countries such as USA, Australia, Canada, Fiji, Germany, India, Israel, Malaysia, Namibia, Nigeria, Northern Ireland, Pakistan, Peru, Sri Lanka, Sudan, Yugoslavia and Zimbabwe, pursuing social transformation through Affirmative Action (De Villiers, 1997 : 1).

3.2 THE AFFIRMATIVE ACTION DEBATE

While some progress has been made regarding clarification of the diversity of viewpoints on Affirmative Action abroad, on both the constitutional and philosophical fronts, the debate continued to intensify in the early nineties with foes and advocates

bitterly divided as ever. Likewise, in South Africa, Affirmative Action is a term that has attracted much scorn in some circles and has also enjoyed high acclaim in others. This is evident in the following fiery and often contentious remarks as well as headlines in local newspapers : Black Advancement : firms threatened (**The Natal Witness**, 30 July 1991); Whites helped since 1910 (**City Press**, 13 October 1991); Fight for Affirmative Action gets underway (**Sowetan**, 25 January 1993); A quota system might be a way of the future SA (**Business Day**, 7 September 1992); A just answer to past wrongs (**Sowetan**, 3 May 1993); Emigration considered by a quarter of SA's Whites (**The Sunday Times**, 6 May 1990); Natal University not lowering its standards (**The Natal Witness**, 9 August 1990); Blacks robbed of plum jobs (**The Mercury**, 25 May 2000); The New Discrimination (**The Sunday Times**, 24 October 1993); Lets have affirmative action ... without the racism (**Post**, 15-18 March 1995); White Backlash (**The Sunday Times**, 31 March 1996); Perils of Whiteness (**The Mercury**, 5 July 1999); De Klerk, Sanlam express alarm over affirmative action (**The Natal Mercury**, 30 July 1995); and, Implement job equity or face state's wrath (**Sunday Tribune Business Report**, 13 October 2002).

Clearly, apparent in the above headlines are the varying perceptions of and attitudes to, Affirmative Action. Given these perceptions, it is not surprising that Mandela (1991 : Conference) in Cape Town had this to say about Affirmative Action :

“To millions, Affirmative Action is a beacon of positive expectation. To others it is an alarming spectre which is viewed as a threat to their personal security and a menace to the integrity of public life.”

There is widespread agreement on the principle that first-order discrimination, i.e., discrimination against Blacks or women on the grounds that they are inferior or different is morally wrong because it violates the inherent quality of people. Somehow, this constrains the debate on the legitimacy of Affirmative Action. Since first-order discrimination is rejected, opponents contend that it would not serve to justify the legitimacy of Affirmative Action. Whether the philosophical notions of justice and

equality or the constitutional constraints imposed by the Equality Protection clauses in some countries, such as the USA and South Africa, can justify Affirmative Action without thereby legitimizing first-order discrimination depends on the meaning and interpretation of such key concepts as justice, equality and Affirmative Action and the contexts in which they are applied. Many variables are likely to affect the validity of the arguments for or against Affirmative Action. Therefore, it is important and necessary to provide some insight into those concepts that were outlined in Chapter Two.

The dispute between those who perceive Affirmative Action as a means of providing handouts to the so-called previously disadvantaged and those who believe that the abolition of Affirmative Action will lead to a return to the traditional old boy network, typical of the apartheid regime in South Africa, may appear to be a simple political dispute related to the allocation of scarce social services. However, something more profound is involved, as will be evidenced by the various perceptions, attitudes, viewpoints and debates emanating from them.

In this regard Rosenfeld (1991 : 2) proclaims that :

“The passionate opposition against Affirmative Action cannot simply be explained in terms of resentment against departures from the meritocratic system in the awards of jobs or scarce educational opportunities.”

He substantiates this by quoting the example of people who are in competition for university places or jobs and fail to obtain them because of nepotism, powerful personal connections or preference for senior persons, etc. Such departures from the ideal of meritocracy hardly arouses the kind of passion that race or gender-based preferential treatment does. The Affirmative Action debate is, therefore, not between people who are pro-equality and those who are anti-equality. Both proponents and opponents proclaim their allegiance to the ideal of equality. The fact that ardent advocates and vehement foes of Affirmative Action are partisans of equality has the effect of both

constraining and intensifying the debate concerning the legitimacy of Affirmative Action.

Hence, whilst the proponents and opponents of Affirmative Action share a common identity at some level this should not obscure the deep rifts that set them against one another. For example, while both are in general agreement with the notion that racial and sexual differences should not prejudice the previously disadvantaged, the agreement breaks down when the issue is, whether such differences should be considered in support of policies that favour the previously disadvantaged. The opponents of Affirmative Action proclaim that there should be equal treatment, irrespective of race or gender and argue that preferential treatment of the previously disadvantaged is as recriminative as the preferential treatment of White males.

Supporters of Affirmative Action, on the contrary, argue that equal treatment may result in the perpetuation of existing inequalities and that, whilst the preferential treatment of White males would intensify such inequalities, favouring the previously disadvantaged would promote the elimination of race and gender-based inequalities in the workplace. There are disagreements even among those who believe that the concept equality is not totally in opposition to certain departures from equal treatment, arising out of prevailing or past circumstances and, on this basis, are willing to acknowledge the legitimacy of Affirmative Action.

3.2.1 Arguments Against Affirmative Action

The critics oppose Affirmative Action as a programme which rewards people on the basis of their genetically determined characteristics such as race, ethnicity and sex. They feel that this would ultimately lead to the destruction of the foundations of a democratically just society. Such programmes, by proposing proportionate group representation, based on the above-mentioned characteristics, also undermine the democratic concept of equality of opportunity. To critics, such as Bell (1972 : 41), the principle of :

“... equality of opportunity denies the precedence of birth, of nepotism, of patronage or any other criterion which allocates places, other than fair competition open equally to talent and ambition. It asserts ... universalism over particularism, and achievement over ascription.”

Thus, the critics claim that individuals should be given the opportunity to compete justly for jobs, etc., on the basis of their own abilities. Moreover, Bell (1972 : 41) argues that in the past people were traditionally judged and rewarded on the basis of individual merit. He criticizes that merit, according to the principle of Affirmative Action, **“is held as a new source of inequality and of social, if not psychological injustice”**. Proponents of Affirmative Action, on the other hand, perceive the new equality to mean equality, not at the start of a race but at the finish; equality not of opportunity but of result. Under this new equality, critics assert that ascription, referring to the gaining of a place by assignment or inheritance, replaces personal achievement.

This principle of merit being subordinated to group ascription rights, is further subverted, according to critics of Affirmative Action, by deliberate government policies and practices. Such intervention by the state, opponents argue, violates a further democratic principle, in that an important function of government should be the removal of barriers to equal opportunity, for example, enforcing laws to prohibit discrimination based on genetically determined factors such as race, sex, etc. Instead the government, through its imposition of Affirmative Action and Employment Equity programmes, forces educational and other institutions to set up the very barriers it originally sought to eliminate. Today, proportional group representation based on race, gender, etc., opponents of Affirmative Action claim, is enshrined as the criteria for employment and admission to Higher Education, while individual merit is relegated to the outer reaches.

Critics also believe that Affirmative Action undermines the principles of Distributive and Compensatory Justice. They maintain that justice requires that rewards be allocated in accordance with an individual's ability and not on the basis of inherent characteristics such as race and gender. Justice, they assert, requires that compensation be made to those individuals who were wronged. They strongly object to and regard as unjust the compensation to entire groups or classes of people by another group or class or by society at large.

Affirmative Action critics also argue that innocent White males, who were not directly involved in the discrimination levelled against the previously disadvantaged, are penalized through no fault of their own. It is claimed to be unjust because of the disproportionate negative effect it is said to have on this specific group of White males, who it is claimed, cannot be held totally responsible for the social evils sought to be remedied through Affirmative Action (Lediga, 1994 : 2; Rosenfeld, 1991 : 304; Poovalingam, 1995 : 15-18).

There is also the belief by opponents of Affirmative Action that individuals should be worthy of compensation only if they have been personally wronged and have been unable to overcome the debilitating effects of the injury such as unjust discrimination. Preferential treatment is not deserved simply by membership of a group which has been traditionally discriminated against. They maintain that personal injury must be demonstrated.

With regard to utilitarian considerations, claims that preferential treatment is necessary to achieve social cohesion to reduce social stereotypes and to provide services to the previously disadvantaged, are decried by the critics. Social cohesion and integration of the races, critics contend, will not be achieved. Rather they perceive that such preference will increase hostility among the races causing resentment, particularly among White males who see themselves as being deprived of education and employment opportunities, not because they are unqualified but because they do not belong to the politically

correct sex or race. It is felt that preferential treatment will also cause chaos, as competing group interests fight for a greater share of the distribution of goods and services.

Preferential treatment is thought to reinforce the perception that the beneficiaries cannot make it on their own without the assistance of Affirmative Action. Consequently, it contributes to the very stigma and loss of respect that it was supposed to eliminate. They argue that such beneficiaries will also suffer lowered self-esteem since they would not know whether they advanced economically or educationally through their own abilities or simply because they received special treatment.

Another common perception of the opponents of Affirmative Action is that it leads to a lowering of standards in the workplace. They claim that people who are not qualified to do a job replace those who are qualified from the previously advantaged group resulting in the services of the latter being terminated. This, indeed, is not a principle of true Affirmative Action, especially in South Africa. However, the Employment Equity Act, No. 5 of 1998 (DOL : section 15,3) states categorically that no White may be removed from a position due to Affirmative Action and that Affirmative Action does not call for dismissal of people from non-designated groups. This merit and standards debate has been dealt with in greater detail in Chapter Two.

3.2.2 Arguments for Affirmative Action

Affirmative Action can be **“justified only in those sociopolitical contexts which embrace the ideal of equality of opportunity”** (Rosenfeld, 1991 : 284). Initially it would appear difficult to detect any connection between equality of opportunity and Affirmative Action. This is because preferential treatment based on race and gender runs counter to the principles of equality of opportunity - a view that invariably accounts for much of the opposition to Affirmative Action.

This compromise is also discussed in Chapter Two.

An obvious justification for Affirmative Action involves the compensation of victims of past discrimination in that **“the adoption of any distributive rule implies that when violations occur, perpetrators are to be held liable and victims compensated in order to keep distributions as consistent with the demands of the rule as possible”** (Goldman, 1979 : 65-66). Thus, when people’s right to equal opportunity to compete for a scarce place or position has been violated, as was the case in South Africa under the apartheid rule of the National Party, the best means of compensation would be to provide those persons with a competitive advantage in subsequent competitions for the same or similar positions that are commensurate with the disadvantage suffered previously.

Goldman (1979 : 65-67) convincingly argues in the discussion on Compensatory Justice, as referred to in Chapter Two, that such compensation is not only in accordance with the norms of Compensatory Justice but also essential to uphold the integrity of a just distributive system based on the principles of equality of opportunity. Compensation, as a means of Affirmative Action, in the above case, is consistent with the distributive and compensatory aims of equality of opportunity (Rosenfeld, 1991 : 34-35). Moreover, it satisfied, according to Rosenfeld (1991 : 286), **“justice as reversible reciprocity”**. This simply means that the previously advantaged, in placing themselves in the shoes of the previously disadvantaged, view the injustices thrust upon them from the perspective of the disadvantaged. Arising out of this they experience a change in perspective, which causes them to appreciate the need for Affirmative Action.

Compensation is regarded as justified under the Equal Protection Clause in the USA (Rosenfeld, 1991 : 286) as well as by the South African Constitutional Court which identified the following as one of the basic structures and premises of the new constitution :

“... a legal system which ensures equality for all persons before the law, which includes laws, programmes or activities that have as their objective the amelioration of the conditions of the disadvantaged, including those disadvantaged on the grounds of race, colour or creed.”

(Govender, 1998 : 82)

From the perspective of the victim discriminated against at the job level or at the Higher Education entrance level, Affirmative Action, in the strict compensatory sense, may provide the best possible measure of compensation. For other victims of past discrimination, however, such a narrow form of Affirmative Action will probably be of little benefit. In this regard, Rosenfeld (1991 : 287) argues that a Black person who receives an inferior public education because of a policy of racial discrimination is often more likely to experience a disadvantage in the competition for a scarce position. In this case, compensation in kind, such as a superior or upgraded school education or its equivalent, may be inadequate.

This would be especially true if the education in question requires several years of study and the job applicant were an adult who needs to earn a living in order to support a family. On the other hand simply awarding such persons the position they seek, on a preferential basis, may seem inappropriate because, unlike the person discriminated against at the job-seeking level, there is no reasonable assurance that the victims of past discrimination at the public school level would have secured the job had it not been for the discrimination.

Discrimination at the educational level, which was pervasive during the apartheid regime in South Africa, deprived many members of society of important tools/skills needed in the competition for jobs. Like discrimination at the job-seeking level it undermined the integrity of any fair distributive scheme

based on the principle of equality of opportunity. Such integrity was further undermined both because of a loss of legitimacy arising from the denial of an equal opportunity to these deprived members of society and because of a loss in efficiency to society as a whole. This resulted in the indirect removal of probably talented individuals from the market place simply because they lacked the necessary skills/tools required, through no fault of their own.

Ezorsky (1991 : 41) refers to a job applicant with the basic qualification who was denied the job because of discrimination. She maintains that, giving some individual the job in compensation over and above a more qualified White, is unlikely to disrupt seriously the efficiency of the system of distribution based on equality of opportunity. However, in the case of those who were denied tools/skills necessary to compete successfully for jobs because of discrimination, granting them jobs as compensation could have a serious impact on the efficiency of the system of distribution and would worsen the already impaired functioning of the system destroyed by the injustices of the past. Unfortunately, such appointments are often made as a form of tokenism or to be politically correct. Such tokenism is misconstrued for Affirmative Action.

In view of the above, it may seem more appropriate to refrain from compensating victims of past educational discrimination with jobs for which there are other persons who are more qualified. Rather, what is needed is an attempt to reintegrate these victims of past discrimination into the mainstream of society which would probably entail receiving a share of the jobs allocated by society without having to grant victims jobs that they would not have obtained had they not experienced any discrimination.

To the extent that competitive disadvantages are the product of social, as opposed to natural causes, the principle of equality of opportunity requires that such social injustices be eliminated. Affirmative Action is but one powerful tool to effect such elimination.

Without a measure, such as Affirmative Action, scarce job allocations will not be a function of differences in natural talents and efforts. This can lead to diminished prospects for some and increased prospects for others and can also possibly result in reverting to the *status quo* prevalent during the past era of discrimination and inequality. By eliminating social injustices that prevailed in the past, Affirmative Action appears to be well suited to bringing almost everyone's prospects to where they most likely would have been, had there been no earlier discrimination.

Suppose, for example, that systematic racial discrimination results in reducing the prospects of success of Blacks by 20% while increasing that of Whites by a corresponding percentage, then preferential treatment, in improving the prospects of success of Blacks by a corresponding 20%, would ensure the possibility of success of both Blacks and Whites. This would have been the position had there not been any discrimination.

While it may be rational to assume that the disparity between the proportion of Whites and the proportion of Blacks who hold certain desirable jobs is attributable to the effects of first-order discrimination, there is the possibility that at least part of the disparity is due in some way to other causes. This mere possibility of something that is not really substantial should, in the researcher's view, not serve as a deterrent in advocating Affirmative Action as a compensatory device.

On the contrary, in the case of long standing, substantial and systematic injustices, such as those that were levelled against South African Blacks, it seems justified to presume that the existing discrepancies in the prospects of their success are the result of first-order discrimination. Perhaps it is up to the party that opposes the preferential treatment through Affirmative Action to provide evidence of factors other than racial discrimination that could explain the relevant discrepancy. Also given the prevalence of sex discrimination in South

Africa, a similar presumption would seem justified in the case of women.

In summary, therefore, Affirmative Action, used in the area of job allocation for the benefit of those victims who experienced deprivation in education in the past, is Compensatory rather than Distributive. Because Affirmative Action is Compensatory, as discussed earlier, it should be viewed as consistent with the principle of equality of opportunity. Accordingly, such Affirmative Action should be permissible to the extent that the Equal Protection Clause No 91(1) which states : **“Everyone is equal before the law and has the right to equal protection and benefit of the law”** constitutionalizes the principle of equality of opportunity (RSA, 1996 : Clause 9(1) : 7).

In this regard Rosenfeld (1991 : 291) maintains that : **“Not only wrongful deprivation of education assets but also wilful interference with or withholding of other social assets may lead to reduction in the prospect of success in the sphere of job allocation and thus calls for compensatory Affirmative Action”**. He argues further that pervasive, deeply rooted prejudice, negative stereotypes, demeaning treatment and a constant stream of indignities experienced on a daily basis are likely to produce in their victims a negative self-image, low self-esteem, lack of motivation and despair. Such treatment inevitably results in the victim’s prospects of success in the job market to decline. This epitomizes the South African scenario of the past when there was a multi-faceted racist and sexist assault on equal opportunity rights, often referred to as the total onslaught.

Preferential treatment, with regard to job allocation, is, therefore, justified in accordance with the principal of equality of opportunity as a means of compensation. In view of the fact that first-order discrimination was systematic, pervasive and significantly violated equal opportunity rights, preferential treatment should be constitutionally permissible.

While Affirmative Action can legitimately serve the aims of Compensatory or Distributive Justice, improvement of prospects through preferential treatment makes sense only for those who already possess at least minimal qualification necessary to perform satisfactorily in an academic programme or in a job for which they applied. Favouring those who are not minimally qualified on the other hand would not only be completely unproductive but would also be self-defeating. In other words, it would be tantamount to either setting someone up for failure or appointing someone as a token.

Hence, awarding positions to those who are incompetent to handle them seems unlikely to lead to integration or rather reintegration of those who had experienced past deprivation of socially relative assets into the mainstream of society. Therefore, while Affirmative Action cannot benefit all those who have suffered from social deprivation, it remains, nevertheless, useful for those who are minimally qualified to cope with the deficits in prospects attributable to such deprivation. How substantial a role it might play depends on the size of the pool of minimally qualified candidates. In low and medium skill occupations that pool is likely to be large, while in the high skill occupations, like that of academic staff in Higher Education institutions it is expected to be rather small. With regard to low or medium skill occupations Affirmative Action, either on its own or complemented with the provision of short term training, is likely to play a major role in coping with the disadvantages caused by past socially-relative deprivations.

It is claimed by opponents of Affirmative Action that the distributive burden imposed by Affirmative Action on the innocent White male is disproportionately heavy. This is refuted by supporters of Affirmative Action.

If it is accepted that both Blacks and Whites are equals as subjects and if it is accepted that Blacks should not be disadvantaged because of their race, then it follows that as equals both would not be disadvantaged. Often a parallel is

drawn between the plight of racially discriminated Blacks and innocent Whites disadvantaged by Affirmative Action. Such an analogy is purely abstract and superficial. If this were the case it would be hard to believe that the remedial Affirmative Action plans, resulting from various decisions handed down by the Supreme Courts in the USA, were the product of racist feelings against White Americans.

With regard to the above Joseph (1979 : 352) argues that, in the South African context, the impact of discrimination against Blacks and females was far greater than any possible problem suffered by Whites. Any possible impact on Whites will, therefore, be relatively minimal. Consequently, to claim that innocent Whites are singled out for disfavourable treatment because of their race, can be considered untrue, except from the standpoint of a purely abstract perspective which is completely ahistorical and acontextual. In this regard Ezorsky (1991: 42) cites the case of a White male :

“His rejection is not based on a derogatory false notion of racial inferiority; thus he is not a victim of overt racism even in reverse.”

On the contrary, Affirmative Action is meant to be inclusionary rather than exclusionary as was the case with sexism and racism of the past. Its intention would be to make up for socially-caused deprivations that have placed Blacks and women at a competitive disadvantage. According to this perspective, while innocent White males may be affected negatively to some extent by Affirmative Action, neither those who implement it nor the Blacks and women who benefit from it are likely to be motivated by any desire to treat White males as inferior or to deprive them of equal respect and dignity. In other words, while the intention of racism and sexism was to retain the members of target groups as outcasts or as inferior, Affirmative Action seeks to reinstate those previously excluded into the mainstream of society.

Generally an individual's standing in society, as well as the respect he/she enjoys, often has much to do with his/her achievements in education or employment. Failure in this regard may result in loss of standing and of respect. Arising from the historical disparities in the treatment of the two races, however, the loss of an educational or employment opportunity at the onset of an Affirmative Action policy and much later, is unlikely to have the same impact on a White person as it would have on a Black person who had suffered such indignities in South Africa for approximately 300 years.

The well known rejection of Alan Bakke's application to a medical school in the USA (Regents of University of California v Bakke, 1978 : 357-358) and others who had the same fate at other institutions in the USA is unlikely to lead Whites to being stereotyped negatively as unworthy members of society. On the other hand, while society may, on the basis of prejudices nurtured by racism and sexism, brand a Black person or a woman as inferior because of their failure to succeed in a competition for a job or entrance to an educational institution, the same would not occur in the case of a White person placed in a similar position. This is because Affirmative Action is not intended to denigrate equal dignity or equal rights. Rosenfeld (1991 : 307) adds that **"although Affirmative Action treats innocent White males unequally, it need not deprive them of genuine equal opportunity rights"**. Since an Affirmative Action programme is designed to redress the losses in opportunities for success, caused by past racism and sexism among the previously disadvantaged, it merely deprives the innocent White males of the corresponding undeserved increases in their prospects of success. Affirmative Action offers prospects of success for all competitors to a point at which they would have been in the absence of racism and sexism. It merely places them in the position in which they would have been if the competition had always been conducted in strict compliance with the equal opportunity rights.

With regard to the criticism that race and sex are morally irrelevant characteristics, the proponents of Affirmative Action argue that these very same characteristics have been made morally relevant and were used as criteria for discrimination in the past. Such discrimination, it is claimed, was directed against them because they are either Black or female and not because they were ordinary individuals. Since institutionalized injustice was directed at them, as members of these victimized groups, then society as a whole owes them some form of compensation or reparation.

Affirmative Action programmes are, therefore, perceived as appropriate means for society to discharge its obligations to those wronged groups. The concept of equality, as the right to equal treatment and the right to compete for society's benefits on the basis of one's ability without regard to race, gender or ethnicity, is regarded as a myth by proponents. They regard such equality as a myth since the pervasive pattern of past discrimination perpetuated a massive maldistribution of power, status, wealth and authority. They argue that, to eliminate such maldistribution, it is necessary to consider one's race, sex or ethnicity because these characteristics are the reason for the discrimination that brought about such maldistribution in the first place.

Social utility justification for Affirmative Action, which was criticized by opponents earlier on, is based on the need to promote public welfare or common good. For example, by increasing educational and employment opportunities for the previously disadvantaged, poverty and inequality can be reduced, thus decreasing the potential for racial conflict. Increased opportunities for the previously disadvantaged, moreover, will enhance cohesion by eliminating racial stereotypes, providing role models for disadvantaged youth and enhancing the self-esteem of Blacks and women.

With regard to criticism against group rights to Affirmative Action, proponents claim that Affirmative Action which targets specific groups is the only efficient

way to ensure that individuals who were discriminated against in the past are rewarded. Taylor (1991 : 62-67) corroborates this view with the argument that membership of a group was given birth to by the discriminatory practices of the past. It is for this very reason that it is justifiable to target members of a group.

From the aforementioned it is apparent that Affirmative Action is regarded as controversial because it seeks to remedy inequalities by means of unequal treatment. It also seems radical because it apparently departs from the ideal of equality of opportunity. In actual fact, Affirmative Action is conservative insofar as it is designed to eradicate the effects of first-order discrimination without undermining the educational or employment scheme that operates in accordance with the principle of equality.

Indeed where formal equality of opportunity would merely perpetuate the effects of first-order discrimination and fair equality of opportunity would provide too slow a remedy to satisfy justice as reversible reciprocity, Affirmative Action becomes necessary. This would ensure the fair and prompt restoration of a system based on genuine or substantive equality of opportunity. Ironically, the sooner Affirmative Action is allowed to complete its mission the sooner the need for it will disappear altogether.

3.3 CHALLENGES AND CONSTRAINTS FACING AFFIRMATIVE ACTION/ EMPLOYMENT EQUITY

Experience with Affirmative Action programmes locally and abroad have revealed certain challenges, problems and constraints. In this review of the challenges and constraints facing Affirmative Action and Employment Equity lie important lessons for South Africa. Human (1991 : 15) asserts that it is not automatic that an Affirmative Action policy will meet with success once implemented. Failure, she claims, can have severe repercussions for the respective institutions. She argues, further, that such failure can be attributed to the large degree of confusion related to the implementation

details of Affirmative Action in South Africa. She is of the opinion that Affirmative Action operating with vague criteria places too much reliance on discretion and provides no indication as to where or when it should end. According to her the following are some of the reasons/problems that cause Affirmative Action to often fail and should, therefore, serve as challenges for future success :

- They are based on models of development that view development simply in terms of only educating Black people. Unless the issues of prejudice, racism, stereotyping and negative expectations on the part of White managers are addressed as well, education itself will have only a limited benefit.
- Line management is generally not truly committed to the respective programmes, a factor she regards as crucial. Top management, it is claimed, who are sincerely intent on implementing Affirmative Action, are frustrated in their attempts to overcome the hurdle of negative attitudes on the part of most line managers (Sherrocks, 1992 : 3). Many White managers, however, claim that they do not have the time to train Blacks (Ntshakala, 1992 : 1). Small wonder then that the business world, although aware that companies are implementing Affirmative Action policies, is uncertain as to whether employees are getting a fair deal (Sherrocks, 1992 : 3).
- The tendency of companies is to emphasise short term numbers rather than long term development. This means that there is a tendency to look for quick-fix solutions. Quick-fix is a very temporary solution and solves very little. It may ultimately be regarded as tokenism. Tokenism generally invites backlash and is detrimental to the institution and to the development of Blacks in general.

There is often a lack of sufficient effort at improving their capacities by all the parties involved. Development requires a level of realism, a level of humility and a great deal of effort on both sides. One has to look at the extent to which Blacks as well as Whites are willing to put time and effort into developing themselves and in assessing their

development needs with a view to individual training. The above criticism could be one of the probable reasons for Zashin's (1985 : 378) finding in the USA, viz., that Affirmative Action had not produced dramatic employment increases for Blacks in higher grades of jobs and that their percentages were still far below those attained in the lower grades.

Too often, in implementing Affirmative Action programmes, individuals are selected for Higher Education employment or promotion on the basis of group characteristics rather than in terms of relative individual qualifications, potential or ability. Consequently, unqualified Blacks are selected over better qualified Whites. In this regard Maphai (1992 : 7) cautions that the filling of positions by unqualified appointees leads to incompetence, inefficiency and lowering of standards. Rosenfeld (1991 : 296) as well objects to granting preferential treatment to an entire group because it **“unduly exalts the group at the expense of the individual”**.

In institutions where Affirmative Action is interpreted literally as reverse discrimination, the capabilities of Blacks or women in senior positions are often questioned. In fact, according to Charlton and Van Niekerk (1994 : 53-60), Affirmative Action appointees are often regarded as being inferior. People of this view operate on the assumption that a Black or female, hired through Affirmative Action, are less qualified than themselves. They fail to realise that because the new incumbents need assistance (which they were denied previously), it does not necessarily make them inferior.

Asmal (1992 : Conference, Durban), contends that one of the purposes of Affirmative Action is to provide competent Blacks or females with jobs in which they would have succeeded had it not been for discrimination. The radical aspect of construing Affirmative Action as reverse discrimination denies Blacks, who have made it on their own, the satisfaction of knowing that (Zashin, 1985 : 378). Therefore labelling all Blacks as Affirmative Action babies is reprehensible (Carter, 1991 : 4-5). Whatever the case, Affirmative Action, unfortunately stigmatizes all those from preferred groups, including those who would have been successful had the system not been in operation.

In response Carter (1991 : 5) says that :

“We are who we are, and we are where we are. But no matter who we are or where we are our lives and careers will always be marked, fairly or not, by the era in which we came of age.”

It is argued that the presumption by White workers that a Black or female presence is explained only by preferential treatment means that a Black or female worker is under constant pressure to prove his/her worth (Thomas, 1992 : 2). This leads Blacks and females to doubt their own qualifications and ability, resulting in a lack of self-esteem and self-confidence. This resultant pressure and self-doubt has been described as the Token Black / female Syndrome. It undermines Black and female performance, thus making racist and sexist presumptions of inferiority superficially self-fulfilling (Mitchell and Arnott, 1992 : 13-16). It is apparent from this that, if Affirmative Action is viewed negatively, it can undermine the self-confidence of the direct beneficiaries of the policy, create dependency among them and result in their low productivity.

So-called Affirmative Action programmes, that enables Blacks and women to obtain desired positions without meeting the required standards, create a disincentive to personal effort. In this regard it is argued that Affirmative Action creates a reliance among the disadvantaged on government assistance (Innes *et al.*, 1993(a) : 64-70). The disadvantaged groups are, therefore, not expected to excel but to merely meet the minimum standards because of special preference granted through Affirmative Action. Van der Aardt (1994 : 94) theorizes that they do not have to excel since they can get by without exerting themselves to their maximum potential. The general view, therefore, is that government assistance replaces personal development as a vehicle for advancement. This impacts on White workers in that there is no incentive for White males to perform well because they feel that any extra effort on their part is a waste of time because of the fact that any promotion or desirable position will invariably be awarded to Blacks or women. Human (1993 : 5) disagrees with this; she maintains that many countries have implemented Affirmative Action without this problem.

Often those who implement Affirmative Action lose sight of the goal of a discrimination-free society by focussing on the goal of providing a sophisticated form of proportional representation based only on colour and gender (Boulle : 1986 : 2). In this regard Cohn (1988 : 250) cautions that Affirmative Action threatens, through quota system, to create fixed racial categories for the distribution of government employment.

Leonard (1985 : 6) contends that another challenge is the overwhelming cost of implementing Affirmative Action. He claims that the government should rather assist disadvantaged Blacks by concentrating on remedial efforts in other areas. On the contrary, Rosenfeld (1991 : 305) argues that administration costs of operating Affirmative Action plans are likely to be modest when compared to the large number of state-run programmes in a country.

Further, the distributive cost imposed on each individual member of society, attributable to losses in efficiency related to Affirmative Action plans, is also likely to be modest. In cases involving composite efficiency, an Affirmative Action plan may lead to overall efficiency. Rosenfeld (1991 : 305-6) quotes the example of an Affirmative Action plan, introduced to promote racial integration of a police department servicing a racially mixed area that resulted in reduction of racial tensions, increase in confidence in the police force, increase in rapport with the community and ultimately, the overall efficiency of the department.

Too often a hostile environment, where Whites are against Affirmative Action, results in slow progress of Blacks because of, among other things, a lack of support. In this regard Maphai (1992 : 7) advises that the environment in which people work and where Affirmative Action is in operation, must be a positive one - one of integrity that must include all levels of staff, otherwise it could do more damage than the decades of discriminatory practices. He also criticizes those Affirmative Action models that view development simply in terms of training Blacks and expecting them to function efficiently in a White world which, in his view, often remains fundamentally unchanged

and uncommitted to people development.

Lawrence (1987 : 7) warns that there is no guarantee that members of disadvantaged groups, who attain higher level positions in government through Affirmative Action, will automatically identify themselves or contribute to the upliftment of their own racial group. This was clearly evident in the case of Zimbabwe and Namibia (discussed in Chapter Four).

Persons from Black communities, employed in leadership and role model positions on the basis of tokenism (which is misconstrued for true Affirmative Action) could have a negative impact. They could contribute significantly to the political and economic weaknesses of these communities.

According to Dessler (1984 : 421), racial tensions are increased as a result of Whites feeling that their opportunities are being unfairly diminished by preferential treatment given to the so-called disadvantaged. Likewise in the USA the Bush and Reagan administrations cast some doubts on the benefits of Affirmative Action by stating to the public that Affirmative Action is somehow unfair to Whites (Asmal, 1992 : Conference, Durban). Zashin (1985 : 384-388), on the other hand, maintains that it is scandalous to lay this racial tension at the feet of Affirmative Action. He argues that there are many other causes of racial tension as well, such as economic recession and widespread unemployment.

According to Dessler (1984 : 60), Affirmative Action helps only middle class Blacks and women and fails to assist the most disadvantaged, who bore the brunt of discrimination most directly. This implies that Affirmative Action benefits the most talented at the expense of the least talented. Asmal (1992 : Conference, Durban) refutes such criticism maintaining that more affluent Blacks also suffered the same discriminatory laws as poorer Blacks but have succeeded through their own initiative despite the prohibitive apartheid barriers. Therefore, they should not be denied the benefits of Affirmative Action.

In response to the criticism that Affirmative Action favours the most talented or affluent over those who are less endowed, proponents maintain that it is not, strictly speaking, the product of Affirmative Action *per se* but that of equality of opportunity on which Affirmative Action is parasitic. According to Rosenfeld (1991 : 96) Affirmative Action's failure to cater for all those who are entitled to compensation should only be objectionable if Affirmative Action is meant to be the only means of compensation. If it is acknowledged that there are other means the argument falls away.

The above view, however, completely overlooks the gain to society in general that arises from middle class Blacks attaining positions of respect and power. Apart from serving as role models they open new avenues for other Blacks with potential. Rosenfeld (1991 : 293) points out that while Affirmative Action can legitimately serve the aims of Compensatory or Distributive Justice, improvement of prospects through preferential treatment only makes sense for those who already possess the minimal qualification necessary to perform satisfactorily in an academic programme or in a job. Favouring those who are not qualified on the other hand would not only be inefficient but self-defeating. Indeed awarding positions to those who are incompetent to handle them is unlikely to lead to integration or reintegration of those who were subjected to deprivation of socially relative assets into the mainstream of society.

Affirmative Action is also accused of leading to patronage, nepotism, corruption and mismanagement. Opponents claim that Affirmative Action is a guise for officials who wish to hire relatives and/or political supporters. Such individuals are often not qualified for the job and this frequently leads to mismanagement (Dessler, 1984 : 10).

Critics also maintain that the posts occupied are also often used for personal enrichment and corruption (Dessler, 1984 : 60). Such generalisation is refuted by both Asmal (1992 : Conference, Durban) and Human (1993 : 20) who maintain that Affirmative Action is conducted in a number of other countries without this problem. While there may be some truth in it, the main problem appears to be lack of accountability to some higher authority and, therefore, not significant enough to

become a generalisation.

According to Romano (1990 : 20) many covert and overt strategies of resistance at the workplace, some of which have already been touched upon, hinder progress in effecting Affirmative Action policies. Examples of some overt strategies are blatant discrimination, lack of training or developing of subordinates, communication barriers, anti-Black advancement sentiments. Covert resistance strategies take the form of setting people up for failure, biased appraisals of Affirmative Action beneficiaries, accusing the victim for management mistakes, subverting communication channels, discriminatory application of rules, hoarding information and creating an atmosphere of conflict within the institution.

Fulmer (1977 : 443) identifies another set of problems related to the work ethics of Affirmative Action candidates, which are : low rate of production, poor quality of work often resulting in excessive additional cost, high rate of tardiness, absenteeism and high staff turnover, uncertainty or hostility about work regulations and supervisory practices, sloppy or inconsistent work habits, inability to conform to demanding work schedule or strict regulations, fighting, loafing and interfering with another's work and slow progress. This, he attributes to the years of discouragement from White supervisors which the previously disadvantaged find difficult to overcome.

It is evident that there are negative as well as positive perceptions and attitudes to Affirmative Action. It also highlights the various challenges that confront its effective application. Nevertheless, advocates of Affirmative Action defend the continuation of such programmes. Therefore, in order that Affirmative Action and Employment Equity succeed a positive attitude towards it is important.

3.4 THE POSITIVE IMPACT OF AFFIRMATIVE ACTION ON SOCIETY

The advocates of Affirmative Action defend the implementation of Affirmative Action programmes on the following grounds, some of which are highlighted by Leonard (1985: 40) :

- Affirmative Action is regarded as a symbol of national purpose to bring Blacks and women in full participation into all aspects of society and, for this reason, earns the government's commitment to it.
- Higher-level positions, which are generally significant in employment systems for policy formulation and implementation, are relatively small. The increase in the number of persons from previously disadvantaged groups in such positions will in time contribute to accelerating the process.
- Greater racial balance in critical institutions such as the government will help increase tolerance for differences in society at large.
- Affirmative Action programmes contribute towards developing a Black middle class with high occupational status, a class of persons who, apart from serving as role models will ultimately be politically and socially influential in their own communities.
- Affirmative Action is a means by which the government can demonstrate that the public service itself can overcome the long-standing exclusion or absence of women and Blacks from the highest positions.
- Boule (1986 : 5) lends further support and elucidates moral arguments in favour of Affirmative Action. He maintains that it :
 - redresses past injustices suffered by a particular group by offering

compensation;

- leads to a more realistic reflection of society in whatever social institution it is applied; and,
- provides opportunities for individuals based not only on past performance but also on a holistic assessment of factors, including an estimate of potential future performances and so on.

Purcell and Cavannagh (1986 : 20) and Dube (1988 : 95) argue that Affirmative Action is necessary for the following reasons :

- It provides a realistic base for upward mobility of previously disadvantaged groups that would help reduce the existing gap between different classes and categories of the population and pave the way for an egalitarian society.
- Only through Affirmative Action can a society rebuild itself from the foundations upwards so that the most deprived begin to realise their human worth and potential.
- Affirmative Action is the only way of breaking the cycle of disadvantage by guaranteeing that, at the collective level and over time, covert discrimination cannot be practised.
- Such a policy would result in the emergence of a participative society with a share in decision-making powers extended to those who have so far been denied them. Such a policy can lead to genuine national integration and to equal participation of all sections in the development process.

Blanchard and Crosby (1989 : 94) argue strongly that Affirmative Action is necessary and it is the most effective strategy to achieve equal employment opportunities.

Moreover, they contend that colour-blind procedures in themselves are not sufficient to reverse the effects of years of personal and institutional discrimination. Ezorsky (1991 : 89) also underscores the benefit of Affirmative Action that through such programmes in academe children see more Black persons as teachers, administrators and professionals. Having such role models in academe tends to improve the self-image, vocational aspirations and learning ability of Black students. This could possibly increase the pool of qualified candidates available for training and employment, a development that is likely to raise standards.

3.5 CONCLUSION

A summary of the aforementioned discussion is encapsulated in the mind maps provided (refer to figures 4, 5 and 6). The respective mind maps refer to the attitudes to, and perception of Affirmative Action by opponents (figure 4); the attitudes to, and perception of Affirmative Action by proponents (figure 5) as well as the challenges, constraints and problems facing the implementation of Affirmative Action (figure 6).

One wonders whether the so called myths about Affirmative Action, so vociferously proclaimed by its opponents, existed when Affirmative Action of some sort for the White Afrikaners in South Africa was implemented during the early years of the nineteenth century. Sonn (1993(a) : 3), Innes (1993(b) : 4) and others claim that for many years White Afrikaners (mainly men), being favoured over others, were enabled to strive ahead with the help of the Broederbond, the civil service and parastatal employers.

A report by the 1904 Transvaal Mines Commission described the Afrikaner beneficiaries as **“incompetent and apathetic indigents who can hardly be considered in efficiency the equal of a native”** (Slovo, 1992, **Business Day**, 4 September). **“Yet these same pariahs were turned into skilled and efficient mine workers and managers”** (IDASA, 1995 : 3). For the same reason there is hope that similar or perhaps even better outcomes are possible in the new South Africa with Affirmative Action candidates - more so, because the practice during the apartheid

regime was not based on redress as Affirmative Action is, but on blatant White racism.

Colonialism, sexism and apartheid in South Africa prevented Black people and women of colour from getting an equal education and an equal opportunity to compete in the job market. Affirmative Action, is therefore, necessary, since merely preaching non-discrimination for Blacks and women will make little difference to the effects of past discrimination and of the systemic discrimination within organizations. This is a situation that South Africans can no longer afford morally, politically or economically.

Affirmative Action is just one strategy designed to provide justice and equality for the previously disadvantaged. **“It is a peaceful strategy for making a transition to a fair and equitable society”** (Fleming *et al.*, 1978 : 4). If society decides not to support Affirmative Action programmes in the future, such a course will not only hinder the advancement of justice, but it certainly cannot and will not stop the disadvantaged from striving to achieve what is rightfully theirs. There is no question that, if Affirmative Action fails, the previously disadvantaged citizens will seek new strategies, some of which may not permit the nation to move smoothly and peacefully to a more equitable society. Burke’s words epitomize such consequences :

“I do most seriously put to the administration to consider the wisdom of timely reform. Early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy.”

(Peacock, 1993 : Preamble)

The following chapter deals with a historico-comparative study of Affirmative Action policies and procedures in six selected developed and developing countries. In the course of the discussion on Affirmative Action in the respective countries other perceptions, attitudes and challenges (sometimes unique to the specific country) would also emerge.

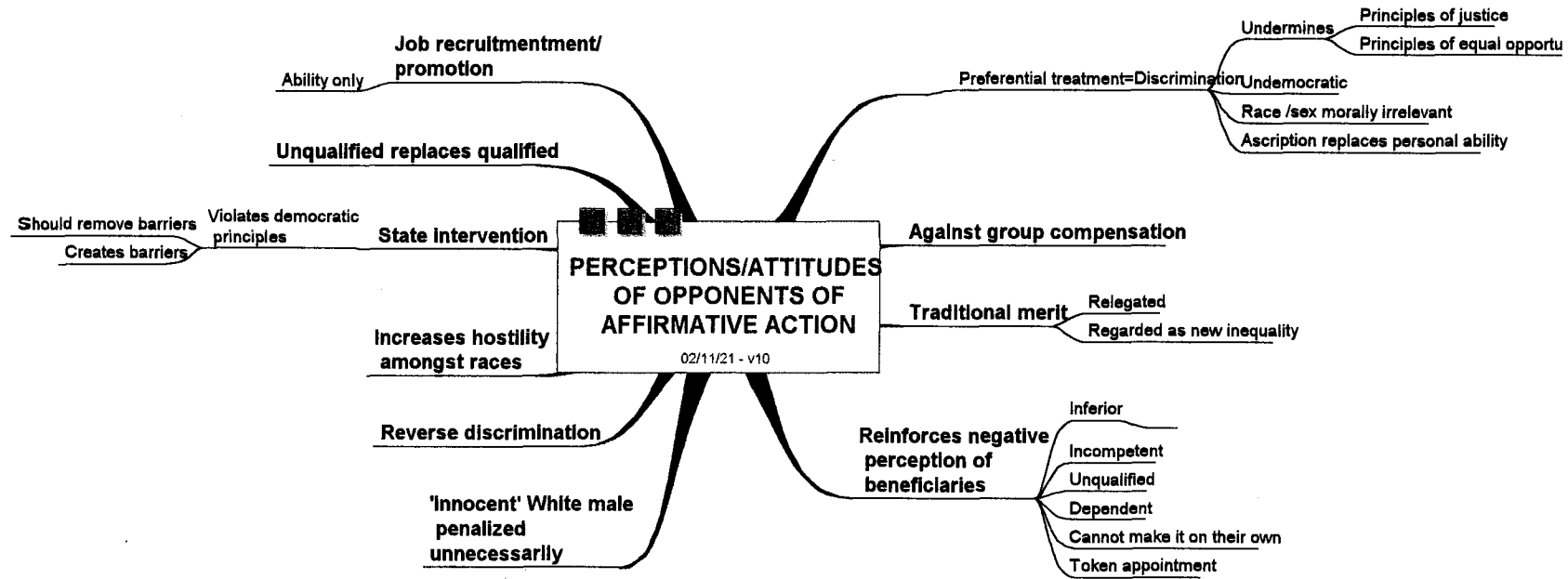


FIGURE 4 : SUMMARY OF NEGATIVE PERCEPTIONS AND ATTITUDES TOWARDS AFFIRMATIVE ACTION

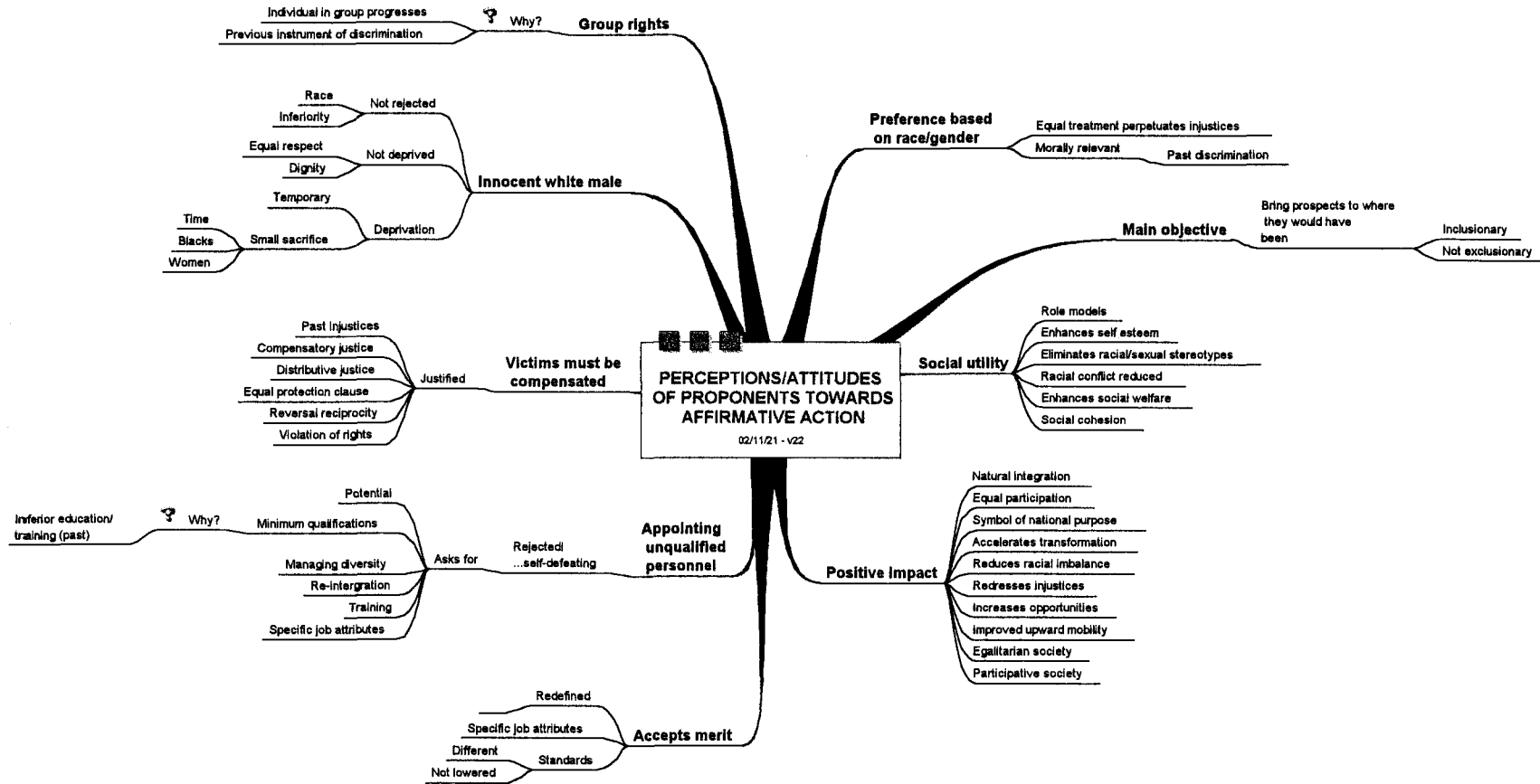


FIGURE 5 : SUMMARY OF POSITIVE PERCEPTIONS AND ATTITUDES TOWARDS AFFIRMATIVE ACTION

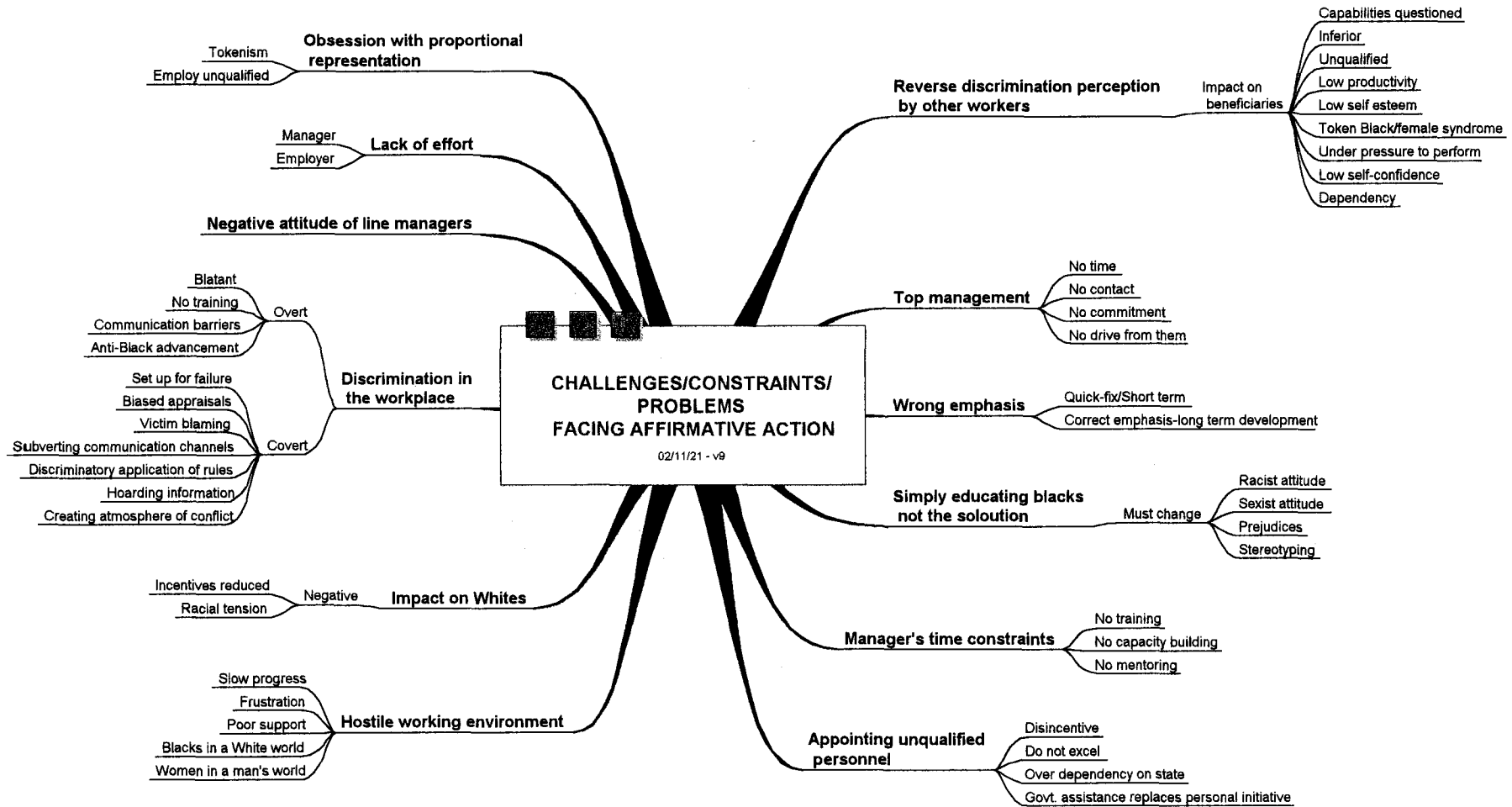


FIGURE 6 : SUMMARY OF CHALLENGES/CONSTRAINTS AND PROBLEMS FACING AFFIRMATIVE ACTION

CHAPTER FOUR

A HISTORICO-COMPARATIVE STUDY OF AFFIRMATIVE ACTION POLICIES AND PROCEDURES IN SELECTED DEVELOPED AND DEVELOPING COUNTRIES

4.1 INTRODUCTION

Affirmative Action is a phenomenon which has been and, in many cases, is still being implemented in many parts of the world. Some examples of such countries are USA, Australia, India, Canada, Malaysia, Pakistan, Germany, Northern Ireland, Yugoslavia, Peru, Nigeria, Sweden, Namibia (De Villiers, 1997 : 14-20). Affirmative Action principles are also applied in Zimbabwe and Sri Lanka (Jauch, 1998 : 3-6; 16-21). Usually, before Affirmative Action policies are introduced **“one or more of the three specific phenomena set the scene : a pluralistic population, ethnic diversity or colonization”** (De Villiers, 1997 : 14). This gradually unfolds in the discussion of Affirmative Action in the respective selected countries.

Weiner (1993 : 2) observes that there is no general theory that can deal with the difficult task of reducing disparities among ethnic communities and managing ethnic conflicts at the same time. The difficulty is further compounded by the fact that these are two conflicting goals. He maintains that there are no completely successful models or a successful set of examples from which one can derive a theory. He succinctly re-enforces this viewpoint thus :

“I know of no country that has yet satisfactorily resolved the disparities among its racial or ethnic groups or among genders.”

(Weiner, 1993 : 14)

The alternative, therefore, is to use the comparative study of policy interventions as a way of analysing societal problems. In this regard one needs to study the kinds of interventions (in this case Affirmative Action policies) that the respective governments have made to assess what has been successful and what has not and, on the basis of this, make other recommendations or choose other alternatives.

Such comparative analyses of interventions/programmes are, however, impeded by the great differences that exist across societies and political systems. This means that while some policies succeed in one country they do not necessarily have the same consequences in others. Nevertheless, the study of policy interventions in different countries could help one to clarify for one's own country the nature of the problems (which could sometimes be unique), the range of options that are available for dealing with them and some guidance as to what works and what does not.

It is for these reasons that the researcher reports on the experiences of other countries with Affirmative Action programmes. In this regard six countries will be reviewed namely : USA, Australia, Canada, Zimbabwe, Namibia and India. All of them have embarked on redressing inequalities among groups with some kind of Affirmative Action policy. In the United States of America the issue of racial inequality centres around the disadvantaged minority. In the case of Namibia and Zimbabwe it focuses on majority communities. In India the focus is on addressing inequalities in a rigidly hierarchical society. In Australia it deals with the inequalities against minority groups and women while in Canada it deals with inequalities levelled against aboriginal peoples, members of visible minorities, persons with disabilities and women. In all these countries Affirmative Action as a means of eliminating or stopping gender discrimination will also be reviewed.

Apart from discussing Affirmative Action programmes in general in the respective countries the main objective of the literature review in this chapter is to focus on the effect of Affirmative Action on academic staff (faculty) in their respective institutions of Higher Education. This is incorporated so that emerging South African policies and

programmes in Higher Education can be understood in the light of international experience and critique. This information could also serve to **“challenge frozen mental maps and stimulate alternative innovative thoughts and policies in South Africa”** (Adam and Moodley, 1993 : 202).

While there is a wealth of information regarding Affirmative Action in Higher Education in America and Australia, there appears to be a dearth of information in the other countries. It is for this reason that the USA and Australia are reviewed in greater detail.

4.2 AFFIRMATIVE ACTION IN THE UNITED STATES OF AMERICA (USA)

The term Affirmative Action **“but not the practice”** originated in the USA (Jauch, 1998: 1; Alkalimat, 1996 : 210). In the USA it was developed initially to eliminate discriminatory employment practices against minority groups like the African-Americans, Hispanic-Americans and others. It was later applied to women and other groups who had been disadvantaged. Today Affirmative Action programmes in the USA are directed at all disadvantaged groups, including women, veterans, ethnic minorities and disabled people (Sarakinsky, 1993 : 6). The dilemma of providing equal employment opportunities to racial and ethnic minorities and women through an Affirmative Action programme without promoting a system of new inequalities has become a critical issue in the United States of America.

By the 1970s Affirmative Action in the USA was viewed from two perspectives : some interpreted it to mean an active effort to recruit and promote minorities and women in an attempt to end discriminatory practices, e.g., institutions of Higher Education and other business institutions actively recruited minorities and women and created special programmes to improve their skills to compete in the labour market. To others, Affirmative Action meant achieving mandatory results through rigid quotas (Weiner, 1993: 10).

The controversy in the USA over quotas continues and while goals and timetables are generally accepted as a means of expanding opportunities for minorities and women they are carefully scrutinized to ensure that they are not in fact quotas in disguise. The unfortunate aspect of this entire saga is that the debate on quotas and the negativity associated with it obscured many positive features of the USA Affirmative Action policy.

For South Africans, the American experience is particularly noteworthy since there are some striking similarities and differences between their situation and ours. The similarities include an African component as well as a minority population, namely, African-Americans who have traditionally suffered racial discrimination and ethnic minorities like the Hispanic-Americans who were also subjected to unfair practices and prejudice. In fact, up until the late 1980s, racial segregation was deeply rooted in the political culture of the USA (Alkalimat, 1996 : 208).

The major difference is that the disadvantaged races are in the minority in the USA, while in South Africa they are in the majority. Qunta (1995 : 29) maintains that the largest minority group, the African-Americans, constitute approximately 12% of the population. In comparison the previously disadvantaged are in the majority in South Africa, 75% of whom are Africans, 7% Coloureds and 3% Indian giving a total of 85% (Central Statistics Service, 1998 : 15). Further, the educational level of the so-called minorities or disadvantaged in the USA is proportionally higher than that of the disadvantaged majority in South Africa. Despite these differences, there are some valuable lessons that South Africa could learn from the American experience. Hence, the need for a review of the implementation and evaluation of Affirmative Action in Higher Education in the USA.

Fleming *et al.* (1978 : 3) make the declaration that the public policy of Affirmative Action was a **“natural extension of the long struggle for equal rights”** by African-Americans, minority groups and women in the USA. Simon (1993 : 48) corroborates this viewpoint and emotionally describes Affirmative Action as being **“in large part a response of the long, cruel and shameful history of racial discrimination in the**

United States and particularly to the plight of black Americans”. The USA Commission on Civil Rights (1981 : 6) succinctly describes the plight of the respective disadvantaged groups by stating that **“while minorities were suffering from white supremacy, women were suffering from male supremacy”**. For women, as well as minorities, discrimination was originally governmentally and legally imposed as was the case in South Africa. The US Commission on Civil Rights (1981 : 6) summarizes the legal disabilities imposed on women as follows :

“Throughout much of the 19th century the position of women in our society was, in many respects, comparable to that of blacks under the pre-Civil War slave codes. Neither slaves nor women could hold office, serve on juries, bring suit in their own names, and married women traditionally were denied the legal capacity to hold or convey property or to serve as legal guardian of their own children.”

Hence, discrimination against women and minorities was imposed by both government and society. This operated not only in the legal, political and social arenas but also in education and other fields of employment.

During the first two centuries of Higher Education in the United States, women were excluded from Higher Education Institutions (Graham, 1970 : 1284). In fact, from the year 1636, when Harvard College was founded to the opening of Oberlin College in Ohio in the year 1837, women were not allowed to attend institutions of Higher Education in the USA, let alone being given opportunities of being employed in such institutions.

Historically, however, the exclusion of Black minorities was even more severe. Prior to the Civil War it was official policy, at all levels of government, **“to keep blacks illiterate and thus prisoners of a caste system where they would be consigned to the bottom of American Society”** (Fleming *et al.*, 1978 : 15). Alkalimat (1996 : 206) adds that **“Blacks were not only denied civil rights, they were denied human**

rights". This was very much the case in South Africa when in 1953 Prime Minister Verwoerd maintained, through the new Bantu Education Act, that education for Blacks should be such that they are trained to do only menial jobs (Kumbula, 1993 : 14).

Prior to the pre-Civil War period it was extremely rare for an American institution of Higher Education to admit a Black student or employ a Black professor. Virtually all institutions refused to hire Black faculty members (Fleming *et al.*, 1978 : 20). Hence, by the end of the Civil War, there were only twenty eight known Black college graduates in the United States and not all of them had been educated in the country. Prior to 1929 only 51 Blacks received PhDs, the first one being in 1876 (Fleming *et al.*, 1978 : 16, 24).

Fleming *et al.* (1978 : 3) rightfully describe the actions of the federal government and the American society then as **"offering Blacks justice with one hand while withdrawing it with the other"**. The process began with the birth of the USA Constitution and the addition of the 13th Amendment, which freed Blacks from slavery; the 14th Amendment granted them citizenship and the 15th Amendment, rights to vote. While the USA Congress recognized Black people's claims to basic rights through these Amendments, the nation was unwilling to enforce them. The USA Supreme Court, in 1896, sanctioned the doctrine of **"separate but equal as public policy"** (Rai and Critzer, 2000 : 2). The consequence of this was that severe legal, economic and social restrictions, which permeated the American society in the past, were now also sanctioned by the federal government. This hindered group advancement, full equality, educational attainment and employment opportunities for Blacks, women and other minorities. Hence, by limiting the education of women and minorities, their ability to compete successfully for employment in Higher Education was hindered. This denied a large group of the American population free and active participation in Higher Education.

Prior to the introduction of Affirmative Action policy in the USA, faculty and staff positions were often filled by the professional acquaintances of the Dean or

Department Chairman. Advertisements were rare and, that too, only if no known White male candidates were available. Mentoring was provided predominantly for White males. Rarely were women or members of minority groups given the encouragement and job opportunities available to their White male colleagues. In view of the fact that very few senior faculty were women or members of the minority groups, many promising female and minority students lacked both role models and the encouragement to continue their studies. A cycle was, therefore, perpetuated which ensured that the best jobs went to the protégés of departmental faculty who were usually White males. The old boy network reigned supreme (VanderWaerd, 1982 : 3).

This supposedly relaxed academic milieu was shattered by the introduction of the Civil Rights Act of 1964 (Fleming *et al.*, 1978 : 301-316), amended in 1972, to apply to educational institutions as well. If nothing else, the revised Executive Order (EO) No 4 (Fleming *et al.*, 1978 : 333-357) shook the academic community from its posture of indifference (Moore and Wagstaff, 1974 : 74; Pottinger, 1972(b) : 24). The following House Report succinctly summarized the Congressional view of the widespread and persistent discrimination in Higher Education employment in a telling manner :

“There is nothing in the legislative background of Title VII, nor does any national policy suggest itself to support the exemption of these educational institution employees - primarily teachers - from Title VII coverage. Discrimination against minorities and women in the field of education is as pervasive as discrimination in any other field of employment ... The committee feels that discrimination in educational institutions is especially critical. The committee cannot imagine a more sensitive area than educational institutions where the nation’s youth are exposed to a multitude of ideas that will strongly influence their future development.”

(VanderWaerd, 1982 : 3)

The aforementioned underscores the contention that the past history of American values and attitudes towards race, ethnicity and gender produced a climate in which equal opportunities for minorities and women have often been severely limited. Efforts since the 1960s to combat these obstacles have led to greater public awareness and public policies such as Affirmative Action to expand equal employment opportunities for minorities and women within the American society in both public and private sectors.

The federal government, in attempting to correct the underrepresentation of minorities and women in Higher Education, developed several strategies to resolve problems of discrimination and inequality that, unfortunately, institutions in the country originally helped create. Since 1961, legislators had passed several laws to encourage equal rights for women and minorities in the academic community. In Higher Education, the Equal Pay Act, Title IX of the 1972 Education Amendments which prohibited discrimination on the basis of gender in public educational institutions and Title VII of the Civil Rights Act of 1964 secured rights and strengthened successive efforts to fight racial and sexual discrimination in employment (Benokraitis and Feagin, 1978 : 130).

The government's main strategy, however, to remedy problems of discrimination and inequality was embodied in Executive Orders 11 246 and 11 375 (Fleming *et al.*, 1978: 333-342) and Revised Order No. 4 collectively and commonly referred to as Affirmative Action. It is, therefore, not surprising that Rai and Critzer (2000 : 134) describe the policy of Affirmative Action in the USA as **“a product of a tortuous set of executive orders, bureaucratic rules and often contradictory judicial decisions”**. Justifying the policy of Affirmative Action of the USA in 1965, President Lyndon Johnson quotes the following example :

“Imagine a 100 yard dash in which one of the two runners has his legs shackled together. He has progressed 10 yards while the unshackled runner has gone 50 yards. How do they rectify the situation? Do they merely remove the shackles and allow the race to proceed? Then they could say that ‘equal opportunity’ now

prevailed. But one of the runners would still be 40 yards ahead of the other. Would it not be the better part of justice to allow the previously shackled runner to make up the 40 yard gap; or to start the race all over again? That would be affirmative action towards equality.”

(Fullinwider, 1980 : 94)

Federal and state legislatures designated agencies, such as the US Department of Labor Office for Federal Contract Compliance Programs (OFCCP) and the Office for Civil Rights (OCR) in the US Department of Education (USDE), to enforce Affirmative Action compliance in Higher Education institutions. The US Commission on Civil Rights (USCCR), as its statutory duty, monitored progress and offered guidance.

Non-governmental efforts to address the problem of racial and sexual discrimination and underutilization of women and minorities were also made by organized political and social groups, such as the National Association for the Advancement of Colored People (NAACP) and the Women’s Equity Action League (WEAL). Affected groups (women and minorities), individuals and institutions of Higher Education also exerted their own efforts to end racial and sexual discrimination in employment in Higher Education.

In an attempt to eliminate some of the inequities in faculty (academic staff) hiring and promotion in Higher Education, colleges and universities, for example, attempted to increase opportunities for minorities and women to obtain higher and specialized education so that they may obtain a greater proportion of faculty and administrative positions. Many graduate departments offered increased access to training programmes, pre- and post-doctoral fellowship opportunities, teaching assistantships and financial aid to minorities in fields in which they were underrepresented.

Such combined approaches of government and non-government efforts constituted the means of achieving one of the objectives of Affirmative Action. This was basically to

increase the number of minorities and women in faculty and administrative positions in American institutions of Higher Education.

4.2.1 Strategies Employed to Achieve Equal Employment Opportunity in Higher Education in the USA

A number of statutes and orders, issued by the President and other federal officials (refer to Appendix 4), promoted equal opportunity. This furthered the process of Affirmative Action to prevent present-day discrimination and/or remedy the effects of past discrimination. In addition, governments of states and cities were also engaged, through federal regulations and through their own initiative, with Affirmative Action. The discussion below focuses on Affirmative Action as mandated by Executive Order 11 246 and 11 375 and revised Order No. 4.

4.2.1.1 Executive Orders (EO)

Following the enactment of the Civil Rights Acts of 1964 (Appendix 4), a series of Executive Orders were issued at the federal level by the President and other officials and at the state and local levels by appropriate government officials to aid in the efforts to end discrimination and ensure equal opportunity. Rai and Critzer (2000 : 6) claim that **“The changes that brought down the walls of apartheid and conveyed some equality to blacks as well as women essentially began with [this] Civil Rights Act of 1964”**. Executive Orders 11 246 and 11 375 were issued by President Lyndon Johnson in 1965 and 1967 respectively. Revised Order No. 4 issued by the Department of Labor in 1971 made them more enforceable. Together, the three Orders formed the basis for Affirmative Action.

Executive Order 11 246 prohibited recipients of federal contracts from

discriminating on the basis of race, colour, religion or national origin. Executive Order 11 375 prohibited holders of federal contracts or sub-contracts from discrimination on the basis of sex, marital status or child-bearing status. Through this Order, among other things, separate seniority rosters for men and women on the job and separate help-wanted advertisements for men and women were prohibited. The main provision of EO 11 375 required contractors **“develop written Affirmative Action plans to remedy the effects of past discrimination”** as well as to prevent ongoing present discrimination (Benokraitis and Feagin, 1978: 12).

Overall, EO 11 246 and EO 11 375 exceeded by far the requirements of the previous Executive Orders in that they went beyond passive non-discrimination. But they too had been criticized for a number of reasons. Initially, EO 11 246 prevented racial discrimination but did not prevent discrimination on the basis of sex and marital status. EO 11 375 remedied this oversight. Further, Executive Order 11 246 did not apply to government contractors in Higher Education until 1971, even though it had been in existence since 1965. Law-suits were among the first strategies taken to force the Department of Labor to apply equal employment opportunity laws and Affirmative Action regulations at colleges and universities. Such law-suits accused the US Department of Education (USDE) of doing little or nothing to end discrimination on the basis of race, sex and physical disability in Higher Education (Edward and Norton, 1979 : 542-543).

Another weakness of EO 11 246, as amended by EO 11 375, was its loopholes which allowed the Secretary of Labor (or enforcement designate) to exempt a contractor/institution of Higher Education from the provisions of non-discrimination if the Secretary of Labor deemed that special circumstances in the national interest were required. This

weakened the strategy, damaged the image of Executive Order and provided an avenue by which those who opposed the Affirmative Action mandate could legally escape its implementation. The third Order of Affirmative Action, revised Order No. 4, issued by the Department of Labor in 1971, strengthened EO 11 246, as amended by EO 11 375, in that it attempted to circumvent some of the weaknesses discussed above.

4.2.1.2 Federal Agencies

Federal agencies administered the Executive Orders, enforced regulation and helped the process to end employment discrimination and ensure equal opportunity. The Office of Federal Contract Compliance Programs (OFCCP) established by the Department of Labor in January, 1966 and the Equal Employment Opportunity Commission (EEOC) established in 1972 had the primary responsibility of administering the Executive Orders. The OFCCP and the EEOC were largely responsible for initiating the development of bureaucratic rules, procedures and forms concerning Affirmative Action some of which apply to this very day (Rai and Critzer, 2000 : 9).

The OFCCP further assigned responsibilities to other agencies. It assigned the responsibilities of monitoring contract compliance in Higher Education to the US Department of Education (USDE). The enforcement of Affirmative Action was assigned by OFCCP to the Higher Education Division of Office for Civil Rights (OCR) in the USDE. The OCR agency in turn delegated some of its responsibilities to its regional offices.

4.2.1.3 The Higher Education Division of the Office For Civil Rights (OCR) in the US Department of Education

The Higher Education Division of the OCR was responsible for enforcing Affirmative Action in post-secondary institutions. The premise behind Affirmative Action, the OCR wrote, was to take **“positive action to overcome the effects of systematic institutional forms of exclusion and discrimination”** (USA Department of Health, Education and Welfare, 1972 : 3). The OCR’s responsibilities included contract compliance reviews, negotiating corrective actions, investigating individual complaints of discrimination and recommending and preparing legal sanctions when necessary to achieve equal opportunities (Benokraitis and Feagin, 1978: 158).

As a first strategy to secure equal employment opportunity for all groups the OCR attempted to identify all institutions which were subject to the provisions of the Executive Order, viz., those that received an amount of \$50 000 or more in federal contracts (Fleming *et al.*, 1978 : 109). It sent memoranda to college and university presidents informing them that they were expected to be in compliance with the Order and its implementation regulations. The OCR offered to provide technical assistance to make sure that universities understood the requirements in order to comply effectively.

A major factor, however, that hindered the identification and enforcement process was that the regional offices of OCR were unable to determine accurately the number of institutions within their jurisdiction that were subject to EO 11 246. Estimates of the number varied from year to year, depending on whether the institutions received \$50 000 or more in federal contracts and on whether institutions reported accurate data to OCR.

In 1972 the USDE issued Higher Education Guidelines (Carnegie Council of Policy Studies on Higher Education, 1975 : 232-235), incorporating Executive Order 11 246, to provide a degree of uniformity in compliance efforts among institutions and to establish a mechanism to aid in monitoring and enforcement. The guidelines centred around establishing **“specific procedures for conducting searches, hiring, promoting, and establishing qualifications that would presumably lead to bias-free results”** (Fleming *et al.*, 1978 : 11). It maintained also that if such positive procedures were not undertaken a **“benign neutrality ... will tend to perpetuate the *status quo ante* indefinitely”** (USA Department of Health, Education and Welfare, 1972 : 3).

In general, enforcement of anti-discrimination laws had not escaped scrutiny. Organized groups, other federal agencies, individuals and commissions studying equal opportunity in education constantly levelled severe criticism. In particular, the US Department of Education and OCR were plagued with criticisms for their ineffectiveness by the US Commission on Civil Rights, the General Accounting Office and Congressional Oversight Committee, as well as Office for Federal Contract Compliance Programs (OFCCP) (VanderWaerdt, 1982 : 59). The ORC has been criticized for contributing to some of the problems, failures and lack of rapid progress of Affirmative Action.

In its review of the state of civil rights in America, the US Commission on Civil Rights found that the Higher Education Division of OCR had failed to follow the prescribed procedures by which it was required to operate. During 1973, for instance, it conducted no pre-award reviews. In 1975 the OCR attempted to follow regulations but slow response from universities (which OCR unfortunately allowed) caused them to neglect completion of the reviews that were required by the end of that fiscal year. The OCR threatened to withhold funds from non-complying

colleges and universities. However, after threatening to withhold 65 million dollars in contracts, the OCR acquiesced and simply asked the institutions under review to agree to develop an acceptable plan or follow one of OCR's model plans. The result was that, persuasion, as an enforcement tool, was ineffective as contractors were awarded contracts (or allowed to keep contracts) prior to the development of acceptable plans originally required by the OCR (Fleming *et al.*, 1978: 122-123, 126).

The most severe criticisms of the OCR came from those whose rights the agency was primarily created to protect - women and minorities. Indeed, both groups, having studied the structure of the agencies and the personnel that formed the bulk of the investigative staff, viewed the OCR with suspicion. Consequently, they neither trusted the good-faith efforts of OCR nor the good-faith efforts of the institutions of Higher Education that OCR were required to coax or force into compliance. Women and Blacks subsequently sued the US Department of Education on several occasions and won, charging the Department with inefficiency and lack of enforcement and the investigators with ineptitude, gullibility and lack of training, although it must be noted that some of the investigators were skilled, intelligent and well-trained.

Abramson (1975 : 172) crystallizes the commonly-voiced complaints more eloquently:

“The history of Higher Education complaints is marked by a number of botched investigations. Unskilled investigators were (and are) easily befuddled by the sensible-sounding rationalizations offered by university professors. And university officials, trained in the art of intellectual put-on, are adept at making investigative heads nod in profound, if

bewildered, agreement.”

In summary, therefore, the weakness and ineffectiveness of the federal agencies and Affirmative Action strategies revolve around the following general themes :

- failure of the OCR to properly train staff to understand and deal with problems in academe;
- inadequate funding and understaffing of the OCR, making it difficult for the agency to handle the diversity of colleges and the needs in certain regions;
- the inability or negligence of the federal agencies to lead and guide institutions toward compliance;
- slowness in compliance review process causing a backlog in cases; and,
- reluctance or refusal by the OCR to issue sanctions or cut off funds where such actions were clearly warranted, thereby allowing themselves to be taken lightly.

There are, however, explanations other than inadequacies on the part of the OCR for the failure or inability of Affirmative Action to increase the number of women and minorities in faculty and administrative positions in American Higher Education. Much of the literature attests to the fact that White male backlash from university officials, departments and even individuals with decision-making powers can wreak havoc on the efforts of compliance agencies which are dependent upon the co-operation and commitment of White male academicians for success.

VanderWaerdt (1982 : 3) corroborates this contention with the statement that, prior to the enactment of Affirmative Action policies, institutions and educational leaders appeared to support the fight against discrimination

but voiced little opposition against it. Subsequently, however, many institutions and academicians resisted change in their procedures and practices that would permit more women and minorities to be considered for faculty and administrative positions. The assertion by Witt (1990 :14) that **“Americans support the idea of Affirmative Action in the abstract but may resist it when individual values are threatened”** supports VanderWaerd’s contention. The early seventies saw numerous articles and publications decrying Affirmative Action Policies as a threat to academic standards and predicting that vast numbers of unqualified women and minorities would have to be hired in order to comply with government regulations.

Factors other than backlash and political pressures exerted by White males and by universities tended to perpetuate the *status quo* and contributed to discrimination in the colleges’ and universities’ hiring practices and employment patterns. In recognition of this, federal, state and local governments created a number of agencies and authorized them to help others to understand how to deal with the processes and types of discrimination and the mechanisms that perpetuated it. The US Commission on Civil Rights was one such agency which did a credible job in that regard.

4.2.1.4 The US Commission on Civil Rights (USCCR)

The US Commission on Civil Rights was established by Congress in the Civil Rights Act of 1957 to be a temporary, independent and bipartisan agency with the following responsibilities (USCCR, 1981 : ii) :

- to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, colour, religion, sex, age, handicap or national origin or by reason of fraudulent

practices;

- to study and collect information concerning the legal developments constituting discrimination or denial of equal protection of the laws under the USA Constitution because of race, colour, religion, sex, age, handicap or national origin or in the administration of justice;
- to appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, colour, religion, sex, age, handicap or national origin or in the administration of justice;
- to serve as a national clearinghouse for information in respect of discrimination or denial of equal protection of the laws because of race, colour, sex, age, handicap, or national origin; and,
- to submit reports, findings and recommendations to the President and the Congress.

During the period 1970-80 the Commission was of the view that the **“remedy of Affirmative Action can be most productively discussed by reference to discrimination, the problem it was created to address”** (USCCR, 1981 : 15). They maintained that, whilst the legal system in the USA at that time differentiated between legal or illegal and intended or unintended discrimination, the effects of any discrimination whether legal or illegal, intended or unintended was the same (USCCR, 1981 : 15). In view of this, the Commission broadened its definition of discrimination to include both kinds. The Commission noted that, since the courts dealt predominantly with what was described as illegal discrimination, some discrimination continued owing to the difficulty in establishing a legal violation in terms of the existing laws.

Though not an enforcement agency the US Commission on Civil Rights, as part of its statutory responsibilities listed above, offered directions and

guidance to aid in answering difficult questions raised by critics and institutions concerned with understanding and implementing the policy of Affirmative Action. The experiences of the Commission revealed, however, that institutions of Higher Education may serve as both breeding grounds for some of the problems and also battlegrounds for their resolution. Hence, the need to review the institutions and their respective Affirmative Action Plans became critical considerations.

4.2.2 Institutions and their Affirmative Action Plans

The regulations of Executive Order 11 246 specified that any contractor/university that received more than \$50 000 in federal contracts and employed 50 or more persons had to develop a written Affirmative Action plan within 120 days of receipt of such contracts. When it was determined that a university had to develop an Affirmative Action plan, then the regulations and provisions of EO 11 375 and Revised Order No. 4 applied. To comply with Revised Order No. 4, Section (60-2.11) institutions were required to develop Affirmative Action plans.

A review of Revised Order No. 4 (Fleming *et al.*, 1978 : 333-351), Excerpts from Higher Education Guidelines of October 1972 (CCPSHE, 1975 : 232-235), VanderWaert's Affirmative Action Plan for Higher Education (VanderWaerdt, 1982 : 7-49), The Affirmative Action Plan of the American Association of University Professors (AAUP) (www.aaup.org/aa2plans.htm) and the Equal Employment Opportunity Action Plan (CASC, 1977 : 1-13) reveal the following provisions to be typical of an ideal Affirmative Action Plan for Higher Education in the USA :

- A mission statement must be developed indicating that the institution will adhere strictly to non-discriminatory policies in all aspects of employment of academic and non-academic personnel.

- A statement must be made that the President of the Higher Education Institution or Chief Campus Officer has overall responsibility for the Affirmative Action.
- A clear delegation must be issued by the President for responsibility for the development and implementation of Affirmative Action policies to a top campus official. This official, in addition to being required to report directly to the President, must be provided with a carefully developed list of his/her Affirmative Action responsibilities.
- Provision should be made, especially on large campuses, for a full-time Affirmative Action Officer. He/she should be granted a number of staff assistants appropriate to the size of the campus and should be required to report to the top campus official. On smaller campuses the functions of the Affirmative Action Officer may be delegated to an administrator or faculty member on a part-time basis. The function of the Affirmative Action Officer should be carefully developed and listed.
- Provision for an Affirmative Action Committee or committees with membership structures should be made in consultation with all affected and interested groups on campus. On larger campuses there may be need for separate committees for schools, colleges or groups of departments. Consideration should be given to the inclusion of students. The functions of the committee or committees should be carefully developed and listed.
- Provision should be made for the dissemination of Affirmative Action plans to all individuals associated with the institution, including students, and to appropriate media and organizations outside the campus.
- With regard to faculty appointments the following provisions should be made :
 - presentation of data on racial, selected ethnic and gender composition of faculty by department and rank for a specified period, preferably the last three to five years;

- presentation of data relating to the available pool of qualified individuals according to race, selected ethnic groups and sex for each of the academic fields in which instructions are offered. Analysis of relationships between utilization ratios and ratios of qualified persons for each department;
- determination of goals and timetables for appropriate campus units (usually groups of departments, schools, colleges or on smaller campuses or the entire campus) after careful consideration of the overall impact on the composition of the faculty;
- a statement of appropriate recruitment procedures to ensure non-discriminatory recruitment by each department, including provisions for maintaining full records on the recruitment process;
- a statement of requirements for non-discriminatory selection, including a provision for maintaining full records on the selection process;
- a provision for review of each appointment by appropriate administrators, including the top campus official to whom responsibility for Affirmative Action has been delegated. Departments should be required to provide data on screening procedures, as well as comparative data on candidates considered in the final selection process up to approximately six or seven candidates evaluated after the initial screening of all candidates;
- a provision for strictly non-discriminatory procedures in the promotion decisions for a search for outside candidates in appropriate cases (especially when there are few or no candidates from the disadvantaged groups in the rank from which promotion is to be made). There should also be careful administrative review of promotion decisions, including a review by the top campus official responsible for Affirmative Action. As in selection

procedures comparative data should be provided on the candidates considered for promotion; and,

- provision for salary analyses to determine whether there are inequities on a sexual or racial basis and whether there are equitable salary and fringe benefit provisions for such groups as lecturers, etc.
- Provision for development, in consultation with all affected groups on campus, of adequate grievance procedures should be made available to all employees.

The principal aspects of the regulations of EO 11 375 and Revised Order No 4 were concerned with the personnel practices of universities, its managerial structure related to the enforcing of Affirmative Action, procedures to implement Affirmative Action programme, as well as goals and timetables that could be used to gauge success or failure of good-faith efforts. As it concerns personnel practices colleges and universities were required to establish standards and procedures for hiring, retaining and promoting faculty/staff. This would help to reduce arbitrary and discretionary staff reductions which may work to the disadvantage of minority and women personnel. In establishing hiring and promotion standards Higher Education Institutions were required to eliminate officially-sanctioned quotas restricting women and minorities, anti-nepotism policies that operate to deny women equal opportunities and recruitment procedures that tend to favour White males exclusively.

Further, institutions were required to examine job category assignments, treatment of individuals with job classifications, compensation rates, applicant pools, termination data, etc. This was necessary to ensure that the system did not operate to the detriment of individuals based on racial and sexual criteria (Fleming *et al.*, 1978 : 111).

As it related to the managerial structure of an institution, the provisions of the

Executive Orders required the chief executive officer to present a clear statement of the institution's policy on equal opportunity and indicate the mechanisms for implementation of that policy statement. The chief executive officer was required to hire an Affirmative Action Officer, order an in-depth analysis of the work force and outline specific corrective strategies for any inequities that exist or existed. On the basis of self-analysis the institution was required to use goals and timetables as one of many strategies to set and meet reasonable expectations in hiring and promotion. The Office for Federal Contract Compliance Programmes required **“an explanation for any goal that is not met”** (VanderWaerdt, 1982 : 41).

In addition, as a managerial strategy, institutions of Higher Education were required to go a step further and police the practices of its personnel in order to guard against unfairness that might result when non-discriminatory policies are implemented in a discriminatory fashion. Institutions were required to monitor the employment process (referrals, placements, transfers, promotions and termination). They were required to make and review reports on a regular basis and take actions to improve unsatisfactory performance.

It was assumed that if they adhered to the instructions, these regulations would promote fairness, help eliminate the mechanisms that perpetuate discrimination and inequality and ensure that institutions of Higher Education actually implement Affirmative Action plans as designed. Although the basic structure of the regulations and provisions designed to guide these institutions appeared sound, there were several problems and omissions that weakened the implementation of the policy.

Firstly, regulations were vague in certain aspects. Universities were allowed considerable leeway in staffing the Affirmative Action office and defining their role. Many Affirmative Action officers served as the assistant to high-level line officers and had little autonomy. They often served at the pleasure of or, rather,

as 'yes men' to the high-level line officer. In such a situation the political scenario often determined both the Affirmative Action officer's ability or inability to perform his/her job effectively and also his/her freedom to monitor the progress of the institution of Higher Education in accomplishing the established goals.

Secondly, goals and timetables appeared to form the mainstay of an Affirmative Action plan for implementation. The regulations required that goals be based on a utilization analysis, which, in turn, depended on availability of qualified minorities and women. Further, the regulations failed to specify the data to be used to determine availability and the time limit to conduct the utilization analysis. As a result, the criteria for availability pools varied greatly among institutions of Higher Education.

Many were of the view that, in order to strengthen the strategy, goals and timetables ought to be used in areas other than hiring, such as promotions, pay, tenure and recruitment. At any one time, minorities and women could be grouped together when establishing goals. This was problematic. In the hiring process, **"White women may be considered the lesser of two evils when compared with Blacks of both sexes"** (Moore and Wagstaff, 1974 : 92). As mentioned earlier **"cycles of discrimination that White women encounter differ from those minorities encounter"** (USCCR, 1981 : 11-2). Also, even when separated from White women, there were still problems in setting goals and timetables for minorities. Aggregate figures of minority representation failed to point out which minorities were underutilized. To be of greater value regulations should require that analysis be made for separate minority groups. Efforts then should be designed to correct underutilization of the excluded group. For example, of the minority groups, Blacks were usually underrepresented in engineering faculties and Asian-Americans were usually more sparsely found in the administrative positions.

Apparently, part of the problem of underutilization of minorities and women in certain areas was due to their areas of specialization and, therefore, remedying the undersupply and underutilization of women and minorities must be a joint effort. In the USA not only did successful Affirmative Action require the efforts of enforcement agencies, colleges and universities but also the strategies and collective actions of groups and individuals as indicated below.

4.2.3 Group Action and Individual Action as Strategies to end Employment Discrimination in Higher Education

Benokraitis and Feagin (1978 : 204) maintain that one of the factors responsible for the ineffectiveness of Affirmative Action policies in increasing the number of women and minority faculty and administrators in the USA was related to the individuals themselves. It was felt that there was insufficient pressure from the victims themselves.

Statements were often made to provide legitimate reasons for the lack of progress of minority groups in Higher Education employment. Colleges and universities often cited lack of candidates in areas of specialization, undersupply of PhDs among certain groups, lack of mobility, family obligations given priority by women and even over-qualification for certain positions to deny employment opportunities to women and minorities. This blame-the-victim type rhetoric was used to demonstrate that existing inequities were the result of lack of initiative, lack of ability, poor character and insufficient qualifications on the part of women and minorities. An ever-present characteristic of victim-blaming was that the typical target of change was not the system but the individual. In Higher Education, victim-blaming tactics seldom focused on the system of discrimination which was typical of many American institutions (Ryan, 1971 : 24; Benokraitis and Feagin, 1978 : 207).

Despite charges of negligence there is, however, evidence that women and

minorities have taken action to bring about change in the Higher Education employment system. Strategies included those that were collective as well as individual. The avenues followed were also either political or legal (Abramson, 1975 : 220). For example, women's groups and Blacks have separately and jointly exacted political force to get agencies, colleges and universities as well as legislative bodies to make and enforce policies to change particular course of action.

Legal avenues were also adopted, e.g., by The Women's Equity Action League (WEAL) and the National Advancement of Colored People (NAACP). Other organizations and private citizens have filed lawsuits against enforcement agencies, state boards of regents and colleges and universities, charging them with inadequate enforcement of anti-discrimination laws and failure to act according to regulations of the Executive Orders. Adding to the action cited above, groups and individuals have pointed out sources of women and minority candidates who were available or who qualified for employment and promotions in an attempt to end discrimination and bring about equal employment opportunity.

Many qualified members of minorities and women did not enjoy the benefits of full, regular or tenure-track employment because they were placed and kept in lower level positions as graduate and research assistants, lecturers and instructors, administrative assistants or special assistants to higher-level administrators. Although often the tasks they performed provided the mainstay of many university departments and offices, these employees, who were often women and minorities, simply did not get the promotions and other rewards they deserved.

Some researchers are of the opinion that the bulk of Affirmative Action strategy should be individual. They maintain that those individuals who wanted to succeed (or have succeeded) have found it necessary to both qualify

themselves and then make others take note of them. Unfortunately, even these individual efforts did little for the women and minority groups who found that the system was already aware of the preparation and qualifications of so-called others often from the old boy network. Often they were not and would not be recognized and honoured unless forced to. The history of Higher Education in the USA attests to this fact. Many proponents of Affirmative Action believe that the main reason for discrimination was not that women and minorities were not (and have not been) well prepared, qualified and available but have been blatantly ignored or discriminated against.

In view of the above, some women and minorities resisted subordination by using the in-house grievance procedures open to college/university personnel in order to obtain a workable solution to unfair employment practices and/or delayed promotions. A workable solution to unfair and discriminatory practices that impeded the educational and employment progress of minorities and women required a combination of all the efforts mentioned above, a continued search for ways to strengthen them and stronger commitment to the principles of equal opportunity from those in decision-making positions. The USCCR (1981 : 49) claims that **“Good-faith efforts and Affirmative Action plans that lack the support of minorities, women and White male employees cannot take root”**.

In summary (Refer to Appendix 4), the development of Affirmative Action in the USA in the 1970s and 1980s was based on the progress during the Johnson administration, influenced markedly by the 1964 Civil Rights Act, the two Executive Orders and the guidelines formulated by the OFCCP. By this time a White backlash had already set in against the Affirmative Action measures. At the same time, Black frustration and anger, because of inadequate economic gains, had erupted into riots in some cities.

Up until the end of Nixon’s first term as President, administrative rules on

Affirmative Action, clearly stipulating preferential treatment of minorities and women in employment, were in place. Presidential support for Affirmative Action continued during the Ford and Carter administrations but slowed down for twelve years when Reagan became President in 1981. Despite the opposition to Affirmative Action by Reagan and his successor, George Bush, both opponents of Affirmative Action, the programme continued. During the Reagan/Bush period, among other things, the budgets and staffing of the compliance agencies related to the EEOC and OFCCP were cut back. More importantly, anti-Affirmative Action judges were appointed throughout the federal system, including the Supreme Court, in keeping with Reagan's and Bush's ultraconservative view (Alkalimat, 1996 : 213). In fact, in 1989, arising out of court judgements, more especially in two significant cases, the death knell for Affirmative Action was almost sounded.

Influential interest groups at the Federal level as well as state and local levels still strongly supported Affirmative Action while Civil Rights groups outside the government favoured its continuation. The federal government, however, had to keep revising its regulations on Affirmative Action as court decisions on this issue were made.

The congressional election in 1994, which resulted in Republican control of both the House and the Senate, worked as a catalyst in fuelling the Affirmative Action debate. Polls revealed that over 60 percent of White males had voted for Republican candidates. Politicians interpreted this as White male anger against federal government policies, among them being Affirmative Action. An anti-Affirmative Action movement began to emerge in California and Washington, D.C. In June 1995 California's Governor issued an Executive Order dismantling some of the Affirmative Action programmes in the state. This was followed by the University of California's Board of Regents who voted to do away with Affirmative Action hiring policies by introducing proposition 209. A year later, in November 1998, Washington State's voters also voted against Affirmative

Action with the introduction of Proposition 200.

President Clinton, on the other hand, during his initial term of office, came out strongly in support of Affirmative Action in July 1995, by announcing the administration's policy of **"Amend it don't end it"** (www.inmotionmagazine.com/aahlst.html). On being re-elected, Clinton ordered a review of the federal Affirmative Action programmes which concluded that **"most hiring and other preferences based on race or sex are justified in employment and education"** (New York Times, May 31, 1995). In an attempt to placate opponents of Affirmative Action, Clinton mentioned that Affirmative Action has not always been perfect and that it should not go on forever. He said **"it should be changed now to take care of those things that are wrong, and it should be retired when its job is done"** (New York Times, July 20, 1995). After Clinton's re-election he continued to **"follow a politically expedient policy of reducing Affirmative Action while defending it"** (Rai and Critzer, 2000 : 18).

Rai and Critzer (2000 : 18), having recently undertaken an intensive study entitled **"Affirmative Action and the University"**, are of the view that, whilst some major revisions to it are probable, Affirmative Action programmes are not likely to be abandoned altogether. They maintain that the interest groups in support of Affirmative Action are strong enough to prevent its demise and the country's mood is not entirely against it.

4.2.4 The Impact of Affirmative Action on The Progress of Women and Minorities (Previously Disadvantaged) in Higher Education

The more recent and notable nationwide research on the impact of Affirmative Action policies on the progress of women and minorities in Higher Education in the USA was undertaken by Rai and Critzer (2000 : 135-145). Their findings are as follows :

With the entry of minorities and women into Higher Education employment, initiated to a large extent by Affirmative Action policies, White male domination **“in these positions has eroded”** (Rai and Critzer, 2000 : 135). It steadily declined during the period 1979-1991 dropping to below 60 percent in all public and private institutions. Further, during the period 1983 - 1999, there was a 10 percent drop in the newly hired White male tenure-track faculty, reducing the figure to less than 50 percent. Also, White male occupancy of the highest academic ranks during the same period had dropped from over 80 percent to under 66 percent. It must be noted, however, that whilst there was a declining trend in their participation rates as reflected in their representative ratios, White males still remained overrepresented in faculty position. This obviously was the outcome of past practices and values in American society.

Statistics, up until 1991, revealed that White females benefitted the greatest from changes in employment of faculty. Whilst there was a drop in White male representation ratio, the increase in the White female ratio kept White faculty slightly more overrepresented at the beginning of the 1990s than was the case in the latter 1970s. This may not give a true reflection of the impact that Affirmative Action policies have had on faculty change in terms of race in Higher Education. The gains White women enjoyed with regard to obtaining full professor rank was even more impressive when compared to new faculty hires among them, in that, during the period 1983 -1991 White female full professors increased from 10 percent to over 24 percent in all institutions.

Such advancements among women becomes more impressive when viewed against the background of data collated by the National Centre for Educational statistics and published by the Scientific Manpower Commission (1984 : 27). Such data indicated that, in general, the appointment of women underwent relatively little change in either the higher ranks (professor and associate professor) or the lower ranks (teaching assistants in graduate departments)

during the period 1972 - 1980. This was in spite of the fact that the percentage of females obtaining PhDs in 1970 more than doubled that of 1950 (Scientific Manpower Commission, 1984 : 30). In fact, in the two lowest academic ranks, viz., lecturer and teaching assistant, women were represented in larger percentage. Hence, the propensity of many departments of institutions to hire and keep women in non-laddered, non-tenured and low status positions existed which was another form of discrimination against them. In summary, therefore, the data during the aforementioned period reveals that women professionals, as a percentage of the faculty, increased as the academic rank of the position decreased. One could possibly assume that this was due to the initial narrow perception of Affirmative Action, viz., that standards will deteriorate at institutions of Higher Education with the influx of unqualified women and minority Affirmative Action beneficiaries.

General Black progress in faculty positions was relatively miniscule. The 1991 figures reveal that they constituted 5 percent or less in all institutions and experienced only a small improvement in their representation ratios during the period 1979 - 1991 and 1983 - 1991. Fleming *et al.* (1978: 214-215) reported that by 1972 - 73 there were approximately 15 046 Black faculty in the USA out of a total of 518 849 in all post-secondary institutions of education. This total represented 2,9% of all faculty in Higher Education in 1972, a period during which Blacks constituted 11% of the overall United States workforce. According to Fleming *et al.* (1978 : 214-215), if Blacks were to reach their faculty potential based on their presence in the labour force at large, there should have been approximately 55 000 Black faculty in institutions of Higher Education during the period 1970-72. The number of Black faculty in 1972 was, however, approximately 40 000 below their faculty potential. Whilst this was the case in the 1970s Black male and female new hires in 1991 increased to 7 percent indicating approximately a 2 percent gain for both sexes which could be attributed to a large extent to the application of Affirmative Action policies.

Overall there was an increase in Black full professors from 2,2 percent in 1983 to 4,3 percent in 1991. However, three times more Black females than males attained full professor rank in 1991 compared to 1983, indicating their greater and more impressive advancement in this regard. Further, the data on new hires and full professors reveal that Blacks had caught up with the Asians (generally regarded as the most qualified group) in participation rates (Rai and Critzer, 2000 : 136). It is, therefore, evident from the above that, while the Black gains in faculty appointments was not that significant, the advancement regarding positions and promotions to the highest ranks was appreciable. Rai and Critzer (2000 : 136) describe this **“as a harbinger of an era of more black faculty in Higher Education in the future”**. The above indeed can be attributed to a considerable degree to the implementation of Affirmative Action policies.

Studies on women in administration posts prior to the 1980s revealed their low status and scarcity in Higher Education. Women averaged 15,8% of the top 52 administrative positions in each of 1 100 Institutions of Higher Education and, from a sample of 454 American colleges and universities, approximately 33 percent had no female department chairperson.

According to Finkelstein (1982 : 8) a survey conducted by the American Council on Education (ACE) in 1972 - 3 revealed that females were 10% less likely than their male counterparts to be appointed as department chairperson at universities and approximately 50% less likely to be awarded deanships or other major positions similar to that occupied by their male colleagues. Females were also found to be less likely to serve on university committees than their male colleagues. However, those who did serve were not in leadership positions and this neutralized their role in university governance. Only a handful of women served as chief administrators or college presidents in American colleges and universities. In fact, during the period 1975-80, there was a mere 2,1 percentage point increase in Higher Education institutions headed by women

(Scientific Manpower Commission, 1984 : 32).

This previous predominance of White males in administrative posts decreased at a more rapid rate than was the case with faculty posts. Beginning with the majority control (nearly seventy five percent in 1979) of administration positions, as mentioned above, they decreased to just over fifty percent of the total number of positions in 1991. This decrease was greater at public institutions than private ones, indicating that public institutions were more committed to implementing Affirmative Action than the private institutions. White men, still, however, remained overrepresented. What was significant though was that their representation rate did decline.

As with faculty appointments the greatest beneficiaries of the decrease of White men in administrative positions were White women. It is, therefore, apparent that the **“cycles of discrimination that White women encounter differ from those minorities encounter”** (USCCR, 1981 :11-12). During the period 1979 -1991 the percentage occupancy of women in such jobs increased from 25 percent to over 33⅓ percent. Black women also made substantial gains as a result of the reduction in the appointment of male administrators. In 1979 Black women occupied a negligible proportion of Higher Education administrative positions with a representation ratio of a mere 0,02 percent. By 1991 their participation rate rose to over 4,0 percent and their representation ratio increased to over 0,7 percent.

Black male administrators, on the other hand, remained at the same participation rate in 1991 as they were in 1979. They did, however, retain a respectable ratio of about 0,7 percent in all Higher Education institutions in 1991. As a result of the increase in the number of Black women administrators, **“overall black progress in the 1980s was remarkable”** (Rai and Critzer, 2000: 138). The total percentage of Black academics in administrative roles doubled from 4,3% to 8,7% and their representative ratio also increased by almost the

same margin, from 0,37% to 0,74%.

Data from the mid-1990s, according to Rai and Critzer (2000 : 139), was reflective of the mood of American public on the issue of Affirmative Action. Although White male control over faculty and administrative positions further decreased during this period, the gains by minorities and women in the respective ranks also slowed down. Nevertheless, they remained the dominant group in both areas. This was probably due in part to the practices of the past and, more importantly, to public opposition to Affirmative Action during this period. White women's progress continued in administrative positions but decelerated in faculty positions, especially full professorships. Black males and females, on the other hand, lost some ground in the top faculty ranks. Although to a small degree, Black women rather than Black men, continued to increase their share of tenure-track positions.

In summary, therefore, White males still dominate faculty and administrative roles in institutions of Higher Education. However **“their grip over these two top employment categories has certainly loosened - a trend that is likely to continue”** (Rai and Critzer, 2000 : 144). Women in general and White women in particular, made greater progress than minority males. The White women, however, were noticeably more successful at obtaining faculty and administrative posts. When considering women from the four minority groups the record of posts obtained by Blacks was the most impressive. When one considers combined male/female data for minorities Blacks are placed at the top of the hierarchy in terms of degree of success for faculty employment, with Native-Americans at the bottom and Asians and Hispanics midway. The progress of women and minorities in Higher Education employment **“though impressive for some categories, are still rather modest”** (Rai and Critzer, 2000 : 144). They assert that the increase in Higher Education faculty employment of women and minorities has been in part due to the enforcement of Affirmative Action.

4.2.5 Reasons for the Differences in Higher Education Employment between the Previously Disadvantaged and Advantaged in the USA

A review of the aforementioned statistics in Higher Education suggests that Affirmative Action has not worked rapidly enough to increase substantially the number of women and minorities in faculty and administrative positions at institutions of Higher Education. Studies show that minorities have made greater gains in occupations not usually associated with advantaged status, viz., law enforcement, fire fighting and skilled construction work.

The differential status of women and minorities in faculty and in administrative positions is often referred to as underutilization. Underutilization also takes into account the number of PhD degrees received by women and minorities in proportion to the representation of these two groups in the total population, their area of specialization for the PhD and the length of time they have been in a career path.

Explanations for the differential status or underutilization may differ on some points for women and minorities while explanations, of course are similar for others. Some explanations presented by researchers and policymakers, women and minorities and White males in the USA, according to Benokraitis and Feagin (1978 : 135-154) are :

- Discrimination, which refers to the actions, methods or means by which departments or universities prevent certain individuals or groups from advancing, based on criteria unrelated to ability, qualifications and merit. Discrimination can stem from any one or a combination of the explanations listed below :
 - ❑ Stereotyping, which refers to labelling an individual with criteria commonly associated with the group to which he or she belongs.

- ❑ Hiring practices which refer to the means and methods that a department or Higher Education Institution uses to obtain its employees.
- ❑ Rank, promotion and tenure policies and practices refer to the procedures by which a department, division or a Higher Education institution determines who advances and according to what criteria. It involves the way minorities, women and White male employees are dealt with after they are hired.
- ❑ Specialization, which refers to the discipline(s) in which an employee received his or her degrees, especially the terminal degrees and to the area of research.
- ❑ Marital status.
- ❑ Productivity, which refers to the professional output of faculty as measured by traditional indices in Higher Education such as publication rates, quality of research and teaching performance as judged by colleagues and students.
- ❑ Institutional prestige, which refers to the perceived quality, standing or rank that a college or university has among all post secondary institutions.
- ❑ Sponsorship, which refers to the formal and informal communications, networks and support mechanisms that a university, department or administrator provides to advance a faculty's career.
- ❑ Mobility, which refers to movement into positions in Higher Education employment through relocation or through professional advancement.

The most frequently cited explanation for underutilization of women and minorities in Higher Education is direct or indirect, overt or covert discrimination. Although the existence of discrimination is more easily recognized than proven,

the fact that discrimination does exist in Higher Education against women and minorities in the USA is hardly a topic of dispute. Indeed the proponents and most of the critics of anti-discriminatory employment policies and procedures in Higher Education agree that discrimination (or at least inequities) still exist.

Views on discrimination and its causes differ but it is generally acknowledged that discrimination is more than isolated actions and individual expressions of bias stemming from sporadic feelings of racial, ethnic or gender superiority. Discrimination is a process that is self-regenerating and capable of converting seemingly neutral acts into a denial of equal opportunity. Policymakers and others concerned with dismantling the process of discrimination see it as having many forms which can be conveniently classified into three broad categories as outlined by the US Commission on Civil Rights (1981 : 8-11) :

- Individual discrimination, which is often hidden and sometimes unintentional. This kind of discrimination surfaces in the actions taken by persons who may not believe themselves prejudiced or biased but whose decisions continue to be guided by deeply ingrained discriminatory practices. For example, Personnel Officers whose beliefs about women and minorities justify hiring them for low level and low paying jobs regardless of qualifications and hiring officials who rely on word-of-mouth recruiting among their friends and colleagues so that only their friends and protégés learn of openings. Another effect is that many applicants are black-balled or eliminated through undocumented or unsubstantiated claims.
- Organizational discrimination, which occurs through practices that are reinforced by well-established rules and policies of an organization. For example, standardized scores for admissions and other rewards, though not always discriminatory in intent, have a disparaging effect on minorities. Promotion based on seniority and sponsorship rather than merit regardless of age, gender, race or length of service tend to frustrate

Affirmative Action hiring goals and penalizes the talented young.

- Structural discrimination, which is a combination and interaction of social and societal forces that have a negative or discriminatory impact on certain groups.

A more productive and pragmatic approach to eliminating discrimination starts with an informed awareness of the forms, dynamics and subtleties of the process of discrimination (USCCR, 1981 : 14). In many cases the aspects of a discriminatory process may not be easily identified and the accompanying impact may not be easily measured, but the results may be visible through the tell-tale signs of racial, ethnic and sexual imbalance. A numerical imbalance does not always imply discrimination nor does it identify or explain qualitative behaviours, motivations and patterns that cause those results (USCCR, 1981: 3). Nevertheless, it requires a closer look to determine the nature of the problem, to determine whether discrimination is occurring and to establish strategies to remedy the problem. This problem-remedy approach typifies Affirmative Action.

Where the courts applied the standards of intent and effect they used statistical data to determine whether discrimination was occurring. In relying on statistical data the courts believed, as did the Commission and enforcement agencies, that **“discrimination is manifested most frequently and tellingly by the unequal outcomes it generates”** (USCCR, 1981 : 16). The USA Supreme Court has maintained that numerical evidence showing a marked exclusion or underrepresentation of minorities in jobs, classrooms and geographic areas :

“... raises a strong inference that discrimination and not chance has produced the result because elementary principles of probabilities make it extremely unlikely that the random selection process would so consistently reduce the number.”

(USCCR, 1981 : 16)

Fleming *et al.* (1978 : 8), however, articulate the viewpoint that **“The focus on Affirmative Action in employment in no way implies that it is or should be the only strategy used to achieve equal opportunity.”** Other strategies are also necessary to overcome the legacy of past and present discrimination. In this regard the US Commission on Civil Rights (1981 : 13) submits that **“No single factor sufficiently explains discrimination, and no single means will suffice to eliminate it”**.

4.2.6 Recommendations for more Effective Implementation of Affirmative Action Policies in the USA

To make Affirmative Action more effective in the USA, the following changes in its operating procedures were suggested by various researchers (Steele *et al.*, 1976 : 413-35; VanderWaerd, 1982 : 19-65 and Fleming *et al.*, 1978 : 129) :

- A stronger Affirmative Action programme to link greater participation of minorities and women in graduate education, professional and training programmes to ensure success of equal employment opportunity in faculty and administrative positions.
- A more flexible set of sanctions for non-compliance with Affirmative Action requirements. For greater bargaining power graduated monetary penalties for non-compliance should be used first rather than the (empty) threat of termination of contracts for non-compliance. If graduated penalties fail to bring contractors/universities into compliance then proceedings leading to cancellation, termination, suspension and debarment from receiving future contracts should be used (Fleming *et al.*, 1978: 129).
- A more reliable data-gathering and record-keeping system. The OCR relies too heavily on the contractors'/universities' self-reported

information on the numbers and ranks of minorities and women. The USDE should take responsibility for the development of comprehensive availability data for minorities and women in academic professions and to be consistent with the idea of equal employment opportunity. The USDE should not exclude graduates or employees of schools with lesser reputations in determining national availability data (Steele *et al.*, 1976: 433-435).

- An operational definition of compliance that operates beyond the utilization index to include some measure of continued pursuit of Affirmative Action. The utilization index used in the past as a measure of compliance is insensitive to discrimination in hiring after a department has reached a stated goal (or quota) of minorities. Qualified minorities and women who apply after this goal is reached may not be hired. In addition to the utilization index a proportion of offers index may be used to show a breakdown of jobs offered each year by race, sex and qualifications (Steele *et al.*, 1976 : 434).
- A comprehensive training programme consisting of general Affirmative Action enforcement procedures along with training geared to the speciality that investigators are to deal with, i.e., business, industry, elementary education, secondary education and Higher Education. Perceptions that institutions have the sophistication of the OCR, the OFCCP and their investigators would be greatly enhanced if the Higher Education enforcement agencies and agents could demonstrate keener analytical skills and greater familiarity with academe (VanderWaerdt, 1982 : 59-65).
- In addition to an Affirmative Action Office, a faculty committee comprising members from each department or unit within the institution should be established at each institution to aid in the accurate collection, dissemination and use of Affirmative Action data. The committee should participate in the monitoring and compliance review process conducted

by OCR (Steele *et al.*, 1976: 434).

- More empirical research, as opposed to pure rhetoric, should serve as the basis for hiring and promotion decisions. Empirical research is especially needed to show how sex and minority group status affect the academic status and standards of a department or university (Steele *et al.*, 1976 : 434). If hiring minorities and women erode academic standards or status of a department/ university, empirical evidence is needed to explain why and to identify ways in which these occur and ways to overcome the problem.
- Most of all, a commitment to the goals of equal opportunity and Affirmative Action and unswerving leadership on the part of high level government officials is needed for success of Affirmative Action for minorities and women in Higher Education.

4.2.7 Some Reactions and Resistance to Affirmative Action in Higher Education Employment in the USA

A major cause of the lack of vast improvement in the status of women and minorities in employment in Higher Education has been the reactions and resistance to Affirmative Action as a corrective strategy in employment in American colleges and universities. The most vociferous opposition came from critics such as George Roche, President of Hillsdale College of Michigan; John Bunzel, President of California State University at San Jose; Nathan Glazer, Professor of Education and Social Structure at Harvard; Sidney Hook, Professor Emeritus of Philosophy at New York University; Paul Seabury, Professor of Political Science at the University of California, Berkeley and Thomas Sowell, Professor of Economics, University of California, Los Angeles (UCLA) (Fleming *et al.*, 1978 : 79-80).

These critics and others have managed to keep alive a heated debate that has tended to obfuscate the real intent of Affirmative Action programmes. The

issues around which most of the controversy revolves are preferential treatment, merit, reverse discrimination, loss of institutional autonomy and quotas.

Major contentions of the critics are that :

- Affirmative Action is unnecessary in Higher Education;
- federal regulations affecting hiring and promotion rival the tenure system in operation in academe and cause the institution to lose some of its autonomy in policing and licensing its ranks and in governing itself;
- hiring by quotas violates the merit system and is thus discriminatory;
- Affirmative Action secures preferential treatment for minorities and women because of past inequities, disregarding their present qualifications and availability; and,
- the main vehicle to implement Affirmative Action - goals and timetables - is a juxtaposition for a quota system.

That Affirmative Action has caused reverse discrimination against Whites has proven to be a myth. In a recent editorial Zuckerman (1995 : 112), referring to Affirmative Action in general, pointedly remarks that **“a program to end discrimination in the name of justice became a program to visit injustice on a different set of people”**. An analysis of responses as indicated below revealed otherwise.

In 1995, a study by the USA Department of Labor found that Affirmative Action programmes did not lead to widespread reverse discrimination claims made by Whites and that a high proportion of claims that were filed were found to lack merit. These findings firmly refuted the charge that Affirmative Action has helped minorities at the expense of White males. It was also found that fewer than 100 out of 3 000 discrimination cases filed involved reverse discrimination, and in only six cases were such claims substantiated. The study advanced the proposition that **“The paucity of reported cases casts doubt on the**

dimension of the reverse discrimination problem” (Ross, 1995 : 31).

Stacey (1995 : 3), referring to a USA Today/CNN/Gallup Poll, claimed that an overwhelming majority of White Americans denied ever having been negatively impacted by Affirmative Action. When asked about their personal experiences, the overwhelming majority of White respondents said that they had not experienced exclusion in employment or college admissions due to Affirmative Action in favour of racial minorities. Ninety eight percent of respondents categorically declared that they had never been denied admission to a school as a result of any Affirmative Action programme based on race. Ninety two percent of the respondents maintained that they had rarely been passed over for a promotion that went to a member of a racial minority. Eighty eight percent of respondents said that they never had an experience where they were not offered a job that went to a member of a racial minority.

Respondents had even fewer experiences of being negatively affected by Affirmative Action programmes that favoured women. Ninety eight percent of male respondents claimed that they had never been denied admission to a school as a result of any Affirmative Action programme based on gender. Ninety three percent of male respondents said they had never been passed over for a promotion that went to a woman. Ninety two percent of male respondents said that they never had an experience where they were not offered a job that went to a woman.

On the criticism that Affirmative Action violates the merit system, the question that emerged is how merit itself is measured. Usually when people say merit, they mean scores on a test or an examination or some other standardized assessment. However, a spokesperson for the University of California Medical School said recently : **“Medical school is not a reward for high test scores or grades. Medical schools have to decide who is going to fulfill the most pressing needs of society, and that doesn’t correlate extremely well with**

test results and grades” (Bernstein, 1995 : 7). Cultural sensitivity toward persons from different backgrounds, interpersonal skills, strength of character, insight, experience, maturity, judgement, the ability to communicate effectively are meritorious qualifications that relate to an individual’s performance on the job. Bernstein (1995 : 7) maintains that merit involves much more than the ability to perform well on paper-and-pencil tests.

With regard to the myth of meritocracy Cose (*Newsweek* : 3 April 1995) argues that critics have not explained how abolishing Affirmative Action can lead to meritocracy as long as other forms of favouritism continue to flourish. Nor have they shown any real enthusiasm for attacking preferential treatment in all its guises, as opposed to their animosity towards Affirmative Action.

“They are not, by and large, proposing anything that, by distributing society’s benefits and opportunities more broadly, might eventually move the nation closer to the meritocracy they profess to desire. Instead of solutions, they are merely offering a scapegoat : this awful thing called affirmative action.”

Theoretically, Affirmative Action policies were designed in the 1970s to help the system help the victims. **“In practice, however, the victims still find that they have to fight a system that does not want to help”** (Benokraitis and Feagin, 1978 : 194). Moore and Wagstaff (1974 : 75) state further that rather than look for ways to make Affirmative Action work and provide leadership needed to bring about equity for minorities, White male academicians in the USA simply looked for reasons why such a plan would not work. They conjured up imaginary problems which they said would not permit an educational institution to accommodate such a plan.

For example, arising out of their misconception or their attempts to conjure up problems, they maintained that the Affirmative Action programme required hiring

unqualified people to meet a rigid quota. Although the USA Supreme court had, on a number of occasions, approved plans ordered by the courts which set numerical quotas in general, a goal and timetable approach was followed. Where quotas were condoned by the courts this was generally because such quotas were flexible and tailored such that it did not impose an intolerable burden on non-minority applicants (Faundez, 1994 : 60). In view of the flexibility of quotas, it could be argued that such quotas were not really quotas in the true sense of the word because their flexibility reduced them to goals and timetables or targets which are indispensable to any Affirmative Action programme (Faundez, 1994 : 60).

Most of “the arguments presented matured into hefty controversies based on emotional rather than empirical grounds. The denouncements are often indirect, unvarnished” (Moore and Wagstaff, 1974 : 75). They consistently **“expose a general fear that hordes of (less qualified) women (and minorities) are displacing White (more qualified) men”** from academic precincts (Benokraitis and Feagin, 1978 : 153). The evidence, from statistics presented in the preceding paragraphs, reveals quite the contrary.

Witt's (1990 : 14-15) report on a study of tenured and untenured White and Black male and female faculty members and gauged their attitudes to Affirmative Action in a number of ways. He found consistently that those who benefitted most (Black females) were positive in their attitude and those who had succeeded without it (White males) were most negative. Another study by Sisneros (1984) found that departmental chairpersons and programme directors who were not members of minority groups often felt that Affirmative Action resulted in excessive preferential treatment of minorities.

The Carnegie Foundation for the Advancement of Teaching surveyed 5 000 faculty members from 310 institutions. Approximately 75 percent of them

supported the continued commitment to increasing the number of women and minorities on the faculty and nearly 60 percent were satisfied with the results of Affirmative Action. Many respondents had other reservations of a particular type. Forty one percent of all those surveyed, including 51% of the males, felt that Affirmative Action was unfair to White males. Eighty eight percent opposed the relaxation of normal academic requirements in the appointment of minorities or women.

In addition to reactions from White males, Blacks and other minorities have reacted to both the implementation efforts and the success of Affirmative Action as well as the resistance demonstrated by White male academicians. The survey found some merit in Affirmative Action as a strategy, even though the gains have not been significant. If nothing else, Revised Order No. 4 **“shook the academic community from its posture of indifference”** (Moore and Wagstaff, 1974 : 74).

4.2.7.1 The Academic Community Response to Affirmative Action

The controversy over Affirmative Action in Higher Education has produced acrimonious and often rhetorical debate within the academic community in the USA. Flemming *et al.* (1978 : 44) make the terse but telling comment that while the academic community was a leader during the 1960s in advocating the elimination of discrimination, outside the academic marketplace **“it has failed badly in setting its own house in order”**. Hence, the controversy over hiring the disadvantaged minorities and women continues.

In addition to the debate on quotas, lowering of academic standards, racist heritage and the meritocratic myth, fundamental issues are being raised concerning the purpose of the institutions of Higher Education, the relationship between meritocratic and egalitarian values and government

relations regarding Higher Education. The responses of the academic community to these issues reveal deep-seated differences in the meaning, purpose and desirability of Affirmative Action.

Considerable controversy revolves around whether Affirmative Action in Higher Education is necessary, legitimate and meets the high standards of academic excellence expected of institutions of Higher Education. Much of the debate focuses on the government's intervention to determine the underutilization of women and minorities who were previously disadvantaged in the academic and non-academic workforce and methods of overcoming such underutilization.

According to the Higher Education Guidelines for Affirmative Action issued by the government, colleges and universities receiving federal contracts were required **“to make additional efforts to recruit, employ and promote qualified members of groups formerly excluded, even if that exclusion could not be traced to particular discriminatory actions on the part of the employer”** (USA Department of Health, Education and Welfare, 1972 : 3). Institutions of Higher Education were also required to determine whether women and minorities were underutilized in their employee work force. Underutilization was defined in the regulations as **“having fewer women or minorities in a particular job than would reasonably be expected by their availability”** (USA Department of Health, Education and Welfare, 1972: 3). If that were the case they were required to develop as part of their Affirmative Action programme specific goals and timetables designed to overcome that underutilization.

It is evident from the furore within the academic community over Affirmative Action that the issue that was most in need of clarification was the meaning and intent of goals and timetables and whether it was

insinuated that women and minorities be hired by colleges and universities regardless of their qualifications. Holmes (1974 : 2, 4), the Director of the Office of Civil Rights in the USA, responded as follows :

“Goals are ‘good-faith’ estimates of the expected numerical results which flow from specific Affirmative Actions taken by a college or university to estimate and/or counteract factors in the university’s employment process which have contributed to the underutilization of minorities and women. They are not rigid and inflexible quotas which must be met. Nor should a university strive to achieve goals as ends in themselves. Colleges and universities are entitled to select the most qualified candidate, without regard to race, sex, or ethnicity, for any position. The college or university, not the government, is to say what constitutes qualification for any particular position.”

The most frequent criticism of Affirmative Action regulations in Higher Education in the USA is on the imposition of racial and sexual quotas on faculty hiring. The critics assert that the government, by equating statistical underrepresentation of previously disadvantaged Blacks and women with evidence of discrimination, compels institutions of Higher Education to hire and promote unqualified persons from these groups or face the consequences of losing thousands of dollars of federal contracts (Hook, 1971(b) : 43).

They maintain further that the quota system erodes standards of academic excellence by substituting race and sex over intellectual ability and performance as the criteria for faculty hiring. Also that Affirmative Action, by aiming to produce equality of results in income, status and power for all Americans, will result in proportional group representation

replacing the traditional American value of equality of opportunity and advancement based upon individual merit (Bunzel, 1972(a) : 8; 1972(b): 30-35; 1973 : 10-14; Hook, 1971(a) : 2-3; 1972 : 16-18; 1974 : 1-2, 4-6). Bunzel (1972(a) : 8) opposes the use of any form of quota system which makes a person's race or sex the exclusive criterion for faculty hiring. According to him giving preference in faculty hiring to certain groups on racial grounds undermines the fundamental precept of individual merit and performance. It also undermines the integrity of the university to control its own tenure, hiring and promotion functions. Such acts, according to him, unfortunately merely increases the importance of race in a **"race ridden society"**.

Critics further claim that the quota system stigmatizes the disadvantaged women and minorities by making it appear that group membership rather than individual ability of persons within these groups accounts for their being hired as faculty or admitted as students. They also allude to the fact that preferential treatment contributes to racial and ethnic polarization and reinforces racial stereotypes.

Much wrath is aimed at the government's assumption that underutilization of women and minorities means discrimination and that, by comparing these group's actual number employed by the universities with the number of PhDs available, underutilization is proven. Critics claim that such an argument is naive because it ignores the important differences in quality among individuals and that the university wants to hire the best qualified rather than the qualified or qualifiable. They claim that the best qualified involves more than the possession of a PhD. Institutions look for specialities within academic fields and a particular level of scholarship, not necessarily found in a general PhD pool. They also hold the view that underutilization may not be the result of institutional discrimination but it may be caused by individual choices such as female

academics opting for home and family responsibilities rather than continuous employment.

Given the above, the proponents of Affirmative Action, on the other hand, argue that plans are necessary in academe to provide equal opportunities for the previously disadvantaged to compete fairly for faculty positions. They regarded Affirmative Action as an attempt to overcome past discrimination where White males were the preferred group in Higher Education. In this regard, Pottinger (1972(a) : 29) alludes that Affirmative Action means that **“men will simply be asked by their universities to compete fairly on the basis of merit, not on fraternity; on demonstrated capability, not assumed superiority”**.

A representative sample of the kinds of concerns raised by supporters of Affirmative Action in Higher Education is found in the American Association of University Professors' Council Commission on Discrimination Report, Affirmative Action in Higher Education (1973: 178-183). The idea of Affirmative Action the report explains :

“... is essentially the revision of standards and practices to assure that institutions are in fact drawing from the largest market place of human resources in staffing their faculties, and a critical review of the appointment and advancement criteria to ensure that they do not inadvertently foreclose consideration of the best qualified persons by untested presuppositions which operate to exclude women and minorities.”

Throughout the literature on Affirmative Action its defenders consistently deny that such programmes lower academic standards and compel institutions of Higher Education to hire less qualified women and

minorities, who are the previously disadvantaged when better qualified White males are available. What women and minorities are asking for, supporters insist, is that the traditional recruiting practices in faculty hiring be re-examined to broaden and to include qualified people previously underrepresented.

The traditional recruitment pattern attacked is the so called **“old boy network”** (Ezorsky, 1974 : 32-39; Coser, 1975 : 366-369). This is a pattern of recruitment whereby members of one faculty make personal inquiries and referral to their colleagues in other institutions regarding potential candidates for faculty appointment. Critics maintain that this informal referral system is rarely accessible to the previously disadvantaged women and minorities. What Affirmative Action is asking for, supporters assert, is that institutions of Higher Education open up their recruitment process to a larger pool of qualified applicants and to relate criteria for hiring, promotion and salary increases on the job itself and be able to justify their personnel decisions on the basis of individual merit and not on discriminatory practices.

In exposing the myth of reverse discrimination Affirmative Action proponents point out that, inspite of laws prohibiting sex and race bias in Higher Education, discrimination continues in faculty hiring, promotion and salary with White males being favoured. Several studies on sex discrimination in the USA (Barasch, 1973 : 333-339; Bayer and Astin, 1975 : 796-801; Harris, 1970 : 283-395; Hoffman, 1977 : 79-88; Lewis, 1975 : 238; Van Alstyne *et al.*, 1977 : 39-41) provide evidence that women occupied the lower academic ranks, part-time and non-tenured positions and were paid less than male academics of comparable rank and work.

Supporters also claim that institutions of Higher Education did not

actively recruit Black students or foster increased Black participation in graduate school, a source of future Black scholars, until societal pressures and federal funds encouraged positive action. They maintain that :

“.... out of callousness, indifference, or incumbent self-interest they failed to provide the needed leadership in increasing employment opportunities for Blacks and in rooting out discrimination in the academic community until compelled to do so by the federal government or student body.”

(Fleming *et al.*, 1978 : 46)

4.2.8 The Need for Continuing Affirmative Action in the USA

As indicated earlier, efforts to increase the participation of underrepresented groups in Higher Education and to diversify college and university student bodies and faculties have been under way for more than 25 years in the USA. About two decades ago the Carnegie Commission on Higher Education made the following statement, which shows how overly optimistic educators were about the possibility of rapid change in Higher Education :

“We hope that race and other minority status will be much less of a distinguishing feature of American society in the future as we overcome the consequence of past discrimination in education and elsewhere. Race or other minority status would thus become less germane to achieving diversity in student bodies and to ensuring prospective service to the public Significant progress has already been made within Higher Education, but there is still a

substantial way to go.”

(Carnegie Commission on Higher Education: (www.ace-webtest.nche.edu/bookstore/descriptions/making_the_case/critics/counter.html))

An analysis of enrollment, degree awards and employment trends revealed by data drawn from American Council on Education's (ACE) "Status Report on Minorities in Higher Education" during 1997-98 reveals otherwise : firstly, much has been achieved and, secondly, persons of colour are far from reaching parity in Higher Education. In fact, the report reveals that it is only during the past ten years that steady progress has been made among all four ethnic minority groups. There is also the fear that **“these (much needed) gains are evaporating in states where Affirmative Action has been rolled back”**.

Whilst the trends in Higher Education in the USA reveal some progress the need for Affirmative Action still remains because of the lack of parity and the resistance to change by many quarters as indicated by the following cases/statistics/examples :

- A study of faculty hiring practices found that once a minority hiring goal was met, departments stopped seeking minority applicants and, indeed, removed their advertisements from minority publications, regardless of the number of vacancies that arose subsequently.
- It was found that an increasing number of Blacks were awarded PhDs in the natural sciences in 1992 and 1993. However, these graduates were not recruited to the faculties of America's highest-ranking universities.
- Further in 1996, 14 percent of all doctorates awarded to USA citizens went to minorities compared with 9 percent in 1985. Although this growth marks clear progress persons of colour still remain underrepresented at the doctoral level.
- Minorities, particularly minority females, are typically clustered at the lower levels of the professorate as assistant professors and non-tenure-track

lecturers. The possibility of their developing a critical mass and thereby becoming a permanent presence can be ensured only with the continuation of some form of Affirmative Action.

(American Council on Education :ace-webtest.nche.edu/bookstore/descriptions/making_the_case/works/research.html)

The examples above illustrate how institutions slip into old practices even when those practices are strictly forbidden by law, hence, the need for Affirmative Action. In spite of the need for Affirmative Action, employers often tend to favour Whites, particularly White males, over equally qualified African-American or Hispanic applicants. Clayton and Crosby (1990 : 61) draw attention to the fact that :

“Much White male resistance to affirmative action may spring from an unwillingness on the part of any given White man to recognize the true extent to which his gender and his ethnicity, and not simply his own individual merit, have won him rungs on the ladder of success.”

Despite the continued underrepresentation of minorities and women in many sectors, Affirmative Action has had dramatic and measurable results in moving minorities and women into meaningful employment and participation in Higher Education as students, faculty and administrators. Individual Affirmative Action and diversity programmes have been implemented at myriad campuses and have proven to be successful. This apothegm is extended by that of Rai and Critzer (2000 : 145) who recently conducted an intensive study on Affirmative Action and the University, dealing specifically with race, ethnicity and gender in Higher Education employment. They claim that, despite the criticisms levelled against the practices of Affirmative Action, its underlying concepts of equality in employment for minorities and women continue to be supported. **“That would assure the continuation of Affirmative Action, albeit in a substantially**

altered form or even under a different name” (Rai and Critzer, 2000 : 145).

4.2.9 Summation

Prior to the 1960s, the history of the USA produced a climate in which equal opportunities for women and minorities were severely limited. Affirmative Action (AA) policies, which were initially introduced in the USA in 1961 and, more heartily, endorsed during the 1970s, contributed to the improvement of the plight of the previously disadvantaged.

While such policies were viewed by many Americans in the early 70s as the provision of expanding opportunities for the previously disadvantaged, others who tended to obfuscate the real intent of AA interpreted it as achieving mandatory results through quotas, a concept that was frowned upon in many quarters. In the USA projected goals and timetables replaced rigid quotas as a means of evaluating the progress of AA programmes. Unfortunately, the constant debate over quotas and whether they were flexible or not, by opponents of AA, has obscured the many positive features of AA programmes in the USA.

Several strategies were adopted and laws passed in Higher Education (HE) to address the question of underrepresentation of previously disadvantaged faculty. Overall the pre-1964 era produced only modest judicial and other victories in eradicating both minority and sex inequality in education, industry and government.

The development of AA in the 1970s was based on its progress during the administration of President Johnson. This was influenced largely by the introduction of a major legislative initiative, the 1964 Civil Rights Act and Executive Orders 11 246 and 11 375 which set up the machinery and the guidelines for its implementation.

Affirmative Action received Presidential support from the Johnson era through to that of Nixon, Ford and Carter. The high tide of Affirmative Action was in the 1970s. Unfortunately, it slowed down for twelve years during the reign of Reagan and Bush, both not strong supporters of Affirmative Action. The programmes, however, still continued although various constraints were placed on its progress during their reign.

By the end of the 1960s an entire network of Federal, state, regional and local government agencies was established as compliance agencies to enforce Affirmative Action compliance in all areas including Higher Education. Of particular importance were the Higher Education division of the Office of Civil Rights, the EEOC and the OFCCP. Other efforts were made by individuals, affected groups, Higher Education institutions and Non-Governmental Organizations (NGOs). Affirmative Action was appearing everywhere as a pervasive policy of the government.

The regulations of Executive Order 11 246 made it compulsory that each contractor / Higher Education institution to prepare and submit Affirmative Action Plans if they received more than \$50 000 in Federal contracts and employed 50 or more persons. Such plans had to incorporate a mission statement, ensure commitment to Affirmative Action from the top management, make provision for the appointment of an Affirmative Action Officer, Affirmative Action Committees and the dissemination of the Affirmative Action Plan.

The main objective of the plans was to ensure fairness by regulatory personnel practices (hiring, promotion and retaining staff) conducted by the respective institutions. This also included its management structure related to the enforcing of Affirmative Action and the procedures used to implement Affirmative Action. It also required assurance that reasonable goals and timetables were established to evaluate the success or failure of good faith efforts.

The progress of women and minorities in Higher Education employment, though impressive for some categories, are still rather modest. Although White males still dominate faculty and administrative roles, Affirmative Action has caused them to loosen their grip over such posts : a trend, that the literature reveals, is likely to continue in the future. The research categorically declares that the progress, no matter how varied and how modest, must be attributed to the implementation of Affirmative Action policies.

The alleged causes for the modest and varied progress in Affirmative Action implementation was attributed to the White male backlash in general, the political pressure exerted by them and from university officials in particular. Other causes were the inefficiencies of federal agencies in regulating Affirmative Action. This was attributed to poorly trained staff, inadequate funding, poor compliance review processes and the reluctance to cut off funds for non-compliance. Other factors include overt, covert, organizational, individual and structural discrimination in the hiring, promotion and tenure policies.

The main criticism of Affirmative Action among those Americans who oppose it revolves around the issues of preferential treatment, merit, reverse discrimination, loss of institutional autonomy and quotas. Literature of the late 1990s refute most of the arguments and assert that much of the controversies or criticisms are based on emotional rather than empirical grounds. Such denouncements are often regarded as unvarnished or conjured up.

The fear among the previously disadvantaged in particular is that in the absence of Affirmative Action legislation, institutions can slip back into old practices, much to their detriment. Although much has been achieved, they call for Affirmative Action policies to be retained in the USA, more so, because there is still a great deal of disparity in faculty and educational administrative employment. Another reason for the call for retention is that the gains from Affirmative Action are evaporating in states where it has been rolled back.

In spite of anti-Affirmative Action movements of 1994 in the States of California and Washington D.C., the Clinton regime, during that period, sought to amend Affirmative Action rather than end it. The fact that the underlying concepts of equality in employment for the previously disadvantaged continue to be supported in the USA assures the continuation of Affirmative Action in the USA (Rai and Critzer, 2000 : 18). Whilst some major revisions to it are probable, the programme is unlikely to be abandoned altogether. Rai and Critzer (2000 : 18) extend this perception in the belief that the support for Affirmative Action in the USA is strong enough to prevent its demise and that the country's mood is not entirely against it.

4.2.10 Implications of Affirmative Action in the USA for South Africa

The implications or lessons to be learnt from the international experience will be approached in two ways : firstly, its relevance for South Africa in general and secondly, its relevance to Higher Education in particular, wherever the literature is available.

Although the term Affirmative Action originated in the USA, its relevance to the South African situation, in general, is limited compared to that of other Asian and African countries. **“Far from being a tool of transformation, Affirmative Action in the USA was essentially designed to integrate minority groups, and later women into the mainstream of American life”** (Jauch, 1998 : 2). Maphai (1993 : 24) corroborates this viewpoint as follows :

“It was essentially a conservative notion designed and driven by the ruling class for Blacks who largely shared the same set of socio-economic values with Whites. It was never intended to be a tool of egalitarianism, let alone transformation.”

Weiner (1993 : 24), who is regarded as a strong proponent of Affirmative Action,

submits that Affirmative Action in the USA failed to consider the broader issues such as poverty. It also failed to criticize the prevailing social and economic system which disadvantaged the poor. The Black middle class appeared to be the main beneficiaries, as the policy was designed to assist those in the minority groups who satisfied the minimal job qualifications (Days, 1993 : 63). Kennedy (1993 : 75) concurs with this and expresses the view that while Affirmative Action contributed to increase in the size of the middle class it was meaningless to the poorest sections of Black Americans.

Whilst on the one hand Affirmative Action was responsible for narrowing the gap between groups in the American society, it also contributed towards increasing the gap within groups. Greater equality was achieved mainly within the privileged classes only in that within this class the racial mix had improved. This meant that Affirmative Action shifted the focus from racial inequality to class inequalities. Thus, it appeared to be concerned merely with making institutions more representative in their ethnic composition but failed to challenge institutional cultures. It also failed to a certain degree as an instrument of redistribution, something that is required in South Africa, given the injustices of the colonial and apartheid regimes. Further, in South Africa we need to target the deep rooted socio-economic disadvantages of the majority which was not attended to adequately in the USA. Given the above, Affirmative Action, the American way, would not totally meet South Africa's expectations in general.

However, when it comes to the specific situation of Higher Education, the American experience would definitely provide many lessons for South Africa arising from its long involvement with Affirmative Action in this field. Also because, given the aforementioned criticism, most of the academics at institutions of Higher Education who are already classified as the middle class, would benefit.

The following are lessons for South Africa regarding the introduction of

Affirmative Action specifically in institutions of Higher Education :

- Affirmative Action is not an end in itself. It is a means to an end. It should, therefore, be a temporary measure that should be terminated when its goals are achieved.
- A high degree of commitment to principles of equal opportunity and Affirmative Action by upper management of the Higher Education institution is necessary if the programme is to be successful.
- Personnel at institutions of Higher Education must be made aware of the dynamics and subtleties of discrimination that prevail often in a covert manner and be trained to guard against them.
- Discrimination manifests itself most tellingly in the unequal outcome it generates. Hence, cognisance must be taken of such outcome.
- Affirmative Action must never be regarded as a means of achieving mandatory results through set quotas . This can court disaster or lead to major backlashes.
- Flexible goals and timetables need to be used in order to set targets and in order to have some measure to assess its progress against.
- Institutions should be required to provide explanations if no progress towards achieving a certain goal is revealed.
- Legislation is necessary if Affirmative Action programmes are to attain success. Good-faith or voluntary efforts have often been found to be unreliable or impeded by covert discrimination.
- The state must have an operational definition of Affirmative Action Compliance.
- State-designated Affirmative Action compliance agencies must be established. They should monitor progress through contract compliance reviews. The agencies must :
 - cover compliance at local, regional and state level;
 - be adequately staffed;

- ❑ monitor appointments, referrals, placements, transfers, promotion and termination of faculty; and,
 - ❑ have a reliable recording and data gathering system. This should not be left totally to the institutions. The American experience has shown that this could lead to abuse.
-
- The personnel at contract compliance agencies must be well trained and *au fait* with the routine of Higher Education to avoid botched investigations and criticisms that emanate from them.
 - The compliance agencies must be cautious about granting concessions to specific institutions. This often sets precedence, weakens strategies of compliance agencies and damages their image.
 - Institutions must design and implement Affirmative Action plans. In this regard comprehensive nationwide guidelines and technical assistance should be provided for all Higher Education institutions. This will ensure speedy compliance and uniformity in compliance.
 - Affirmative Action plans that are drawn without the consensus and/or support of both the previously disadvantaged and the previously advantaged take longer to be established and to meet with success.
 - A set of sanctions for non-compliance with Affirmative Action procedures should be established by the state. Graduated monetary or other penalties for non-compliance would prove effective rather than vain threats which are not carried out.

We now turn our attention to Australia as another study of Affirmative Action in a developed country. The Commonwealth Office for the Status of Women (OSW) in Australia believes that Affirmative Action, according to the Australian Act, not only differs from that of the USA definition, but is also often confused with it. It would, therefore, be interesting to study Affirmative Action in Australia to assess, among other things, whether it corroborates this viewpoint. The review of Affirmative Action in Australia follows.

4.3 AFFIRMATIVE ACTION IN AUSTRALIA

4.3.1 Introduction

Australia has a range of legislative stipulations which prohibit various forms of discrimination based predominantly on the protection of the rights of minority groups and equality of opportunity. The legislation was the result of pressure from women's liberation movements of the 1960s and 70s that forced the government to outlaw blatant discrimination and the ever consistent reporting on such discrimination by other organizations.

In an attempt to bring about anti-discrimination at the local level, such as universities and other local workplaces, at state level and countrywide, a host of laws and policies were introduced. The more important ones are listed below. Almost all of them were fundamentally aligned to The United Nations Universal Declaration of Human Rights of 1948, in which Australia actively participated. Only those relevant to the topic under question will be discussed.

4.3.2 Anti-discrimination Legislation in Australia

Anti-discrimination legislation in Australia is based on the principle of providing legal rights and remedies for a specified group by making certain actions and behaviour unlawful. It is based on the explicit recognition that there are individual and group actions which continue previous patterns of discrimination and which need to be changed for the benefit of the individuals involved and society as a whole.

Not all forms of discrimination are regarded as unlawful and there is no legal principle in Australia which provides a general right of freedom from discrimination or for access to equality. Anti-discrimination legislation provides

an enforceable framework for substantial and real equality.

All that Australian anti-discrimination legislation requires is an individual or group of individuals, who are of the opinion that they have been subjected to unlawful discrimination, to lodge a written complaint. The complainant has to set out the facts which allegedly constitute unlawful discrimination, for example, a denial of a promotion or refusal to recruit a woman for a particular job.

The complaint is confidentially investigated and conciliated by the complaint-handling agency. Sometimes, the agency calls a compulsory conference to assist in the conciliation process. In a few cases where conciliation is not successful, the complaint is adjudicated through a public inquiry by a quasi-judicial body.

4.3.2.1 Commonwealth and State Anti-discrimination Legislation

There are four Commonwealth Acts and approximately five State Acts which fall under the heading of anti-discrimination legislation. The Commonwealth Acts apply throughout Australia and are as follows :

- The Racial Discrimination Act, 1975. This Act makes it unlawful to discriminate against a person on the grounds of a person's race, colour, national or ethnic origin.
- The Sex Discrimination Act, 1984. This Act covers discrimination on the grounds of gender, marital status, pregnancy and also covers sexual harassment. It is designed to promote equality between the sexes, eliminate discrimination in specific areas such as employment and eliminate sexual harassment in the work place which includes educational institutions as well. Additionally, it has been designed to fulfill obligations under the United Nations Convention on the Elimination of All Forms of Discrimination

Against Women which Australia ratified in 1983.

- The Affirmative Action (Equal Employment Opportunity for Women) Act, 1986. Briefly, this Act requires employers to promote equal opportunity for women in employment by means of Affirmative Action programmes. (This will be discussed in greater detail later in the Chapter).
- The Disability Discrimination Act, 1992.

webdev.uow.edu.au/admin/eeo/commitmenttoeeoaa.htm

Some of the State Legislations include :

- The Prohibition of Discrimination Act, 1975 (South Australia).
- Anti-Discrimination Act, 1977 (New South Wales).
- The Western Australian Equal Opportunity Act, 1984. (Western Australia).
- The South Australian Equal Opportunity Act, 1984 (South Australia).
- The Racial Vilification Act, 1989 (New South Wales).

Further, a series of other equal opportunity and anti-discrimination policies were also introduced by several universities for their own purpose such as Anti-Racism policy, Equal Opportunity Policy, Equal Opportunity Discrimination and Harassment Procedures, Women on Committees Policy, Sexual Harassment Policy and Grievance Procedure.

(University of South Australia, 2000 : 10)

4.3.3 Background to the Affirmative Action (Equal Employment Opportunity for Women) Act of 1986

Prior to the introduction of the Affirmative Action (Equal Employment Opportunity for Women) Act, the Commonwealth Tertiary Education Commission of Australia reported, in 1983, its concern that women represented only 17 per cent of full-time teaching and research staff at universities and, of these, 43 per cent were below lecturer level. In colleges of advanced education the corresponding figures were 26 per cent and 46 per cent respectively. There were no female Vice-chancellors or college principals. This is in contrast to the position in 1997, after the implementation of Affirmative Action, when one sixth of Vice-chancellors were women. The following year the Commonwealth Tertiary Education Committee introduced a list of measures to improve opportunities for appointment and promotion for female academics. Among these were :

- more flexible staffing arrangements, especially to assist those with family responsibilities;
- the creation of a substantial number of academic positions, resulting from a desired expansion of the system; and,
- the appointment of equal opportunity officers.

(Anderson *et al.*, 1997 : 5)

Owing to the slow progress in creating Equal Employment Opportunities for Women, in 1986 the Commonwealth Tertiary Education Commission revisited the problem of underrepresentation of women in academe. Through their constant lobbying, as well as that of other organizations, the Affirmative Action (Equal Employment Opportunity for Women) Act was passed in 1986.

4.3.4 The Definition of Affirmative Action in the Australian Context

Under Australian legislation, Equal Employment Opportunity and Affirmative Action mean the same thing (Burton, 1997 : 10). The Affirmative Action Agency (a government agency set up by the Affirmative Action Act of 1986) defines Affirmative Action to include the following :

- Affirmative Action is the term including a range of measures for eliminating direct and indirect discrimination and for implementing positive steps to overcome the current and historical causes of lack of equal employment opportunity for women.
- Affirmative Action for women is compatible with appointment and promotion on the basis of merit.
- An Affirmative Action programme is a strategic programme designed to achieve equal employment opportunity for women.
- Affirmative Action is not about quotas. It is not about discrimination to favour women.
- Affirmative Action is about merit.

([www.eco.gov.au/students/what is/index.html](http://www.eco.gov.au/students/what%20is/index.html))

In summary, therefore, Affirmative Action in the Australian context **“is about eliminating direct and indirect discrimination and taking positive steps to overcome the current and historical causes of lack of equal opportunity for women”** (Royal Melbourne Institute of Technology (RMIT), 1998 : 2).

Evident in the definition is the fact that Affirmative Action in Australia focused mainly on women and so differed from other countries such as the USA, Namibia and Canada among others. The Act is specifically called **The Affirmative Action (Equal Employment Opportunity for Women) Act** indicating clearly its focus. Also, many other reports categorically state that the concept Affirmative Action

in Australia differs from that of the USA as it is “**not about filling quotas**” (www.usyd.edu.au/wisenet/ISSUE4I/myth.htm). In fact, the Commonwealth Office for the Status of Women (OSW) believes that the term has led to confusion between the Australian Act, with its merit-based approach and the United States legislation apparently promulgated in terms of non-merit-based quotas and preferential treatment in employment and education for minority groups (OSW, 1998 : 5).

4.3.5 The Affirmative Action (Equal Employment Opportunity for Women) Act, 1986 (The AA/EEO Act)

The AA/EEO Act requires private sector companies, community organizations, non-government schools, unions, group training companies and Higher Education institutions with 100 or more people to establish Affirmative Action programmes. Such programmes are meant to be designed to remove discriminatory employment barriers and to take action to promote equal opportunity for women in the workplace. (Office of Legislative Drafting, Attorney-General’s Department, 1986 : 1-29)

Given the aforementioned it is evident that the legislation was enacted with the express aim of achieving positive outcomes for women and improving the position of women in the workforce. This required, in some cases, the creation of patterns of employment which suited their needs, especially with regard to family responsibility, rather than simply equality with the working condition of male employees.

In support of the introduction of the Affirmative Action legislation the Prime Minister, in 1986, lent his authority to the debate, when he said :

“The Government is determined that women should be able to enter and compete in the labour market on equal footing with men and

that outdated prejudices or conventions should not prevent them from fully participating. Neither individual employers nor the nation can afford to waste the valuable contributions which women can, and do, make to our economy.”

(Australian Parliamentary Debates, 1986 : 862)

Also supporting the need for legislation regarding Affirmative Action, the Karpin Taskforce (Karpin, 1995 : 244) concluded that :

“If evolutionary change is relied on as a sole lever, it will take too long to improve the lot of Australian women in management, and to the same degree inhibit the improvement of management skills and enterprise performance.”

The Independent Educational Union of Australia (IEU) believes that the Affirmative Action Act, as well as complementary EEO and Anti-Discrimination legislation, have ethical, moral and symbolic significance for the Australian and international communities. According to them, it represents the nation’s stated community standard as to what Australia’s legislators believe should represent fair and socially just employment practices and outcomes for all citizens regardless of gender, race, ethnicity, religion, disability, etc. They also believe that if the government is strongly committed to increased competitiveness, principles of choice, improved productivity, as well as making a strong and unambivalent statement about what is fair and just for women in the workforce, then the Affirmative Action Act must be seen as part of achieving this. It should be seen as a tool to make the Australian economy more productive and efficient and its society more equitable and just (IEU, 1992 : 1).

The Commonwealth Office of the Status of Women (OSW) 1998, part of the Department of the Prime Minister and Cabinet, which advises the Prime Minister

and the Minister on issues affecting Australian women states that :

“Equal opportunity legislation provides an important tool to address market distortions, including attitudinal and institutional barriers which prevent the full recognition and utilisation of women in the workforce.”

(OSW, 1998 : 1)

The University of South Australia (2000 : 9), categorizes the benefits of implementing an equal opportunity for women in the workplace programme into those benefitting women, which include those benefitting the organization and work area and those benefitting the community. The benefits for women are that it makes the work environment more female-friendly; it values the work that women do; it provides women with support and encouragement; it expands the knowledge and experience of women and it gives women skills to enable them to move upwards. It also provides women with strategies to enable them to use the university culture and environment to their advantage and, in this way, prepares women for management/leadership positions.

The benefits of implementing equal opportunity for women in the workplace for the organization and work area are that it creates a diverse workforce, a wider pool of talent and expertise, a workplace that is secure and has zero-tolerance of harassment and discrimination, improved management and an impetus for change in management practice which benefits all workers. It also enables greater transparency of personnel policies and practices, cost savings made through having an effective equal employment opportunity programme, an increase in the capacity to serve a diverse client base, improved morale, team work and a sense of fair play in organizations.

To the community it would mean that the ability and talent of more than 50 per

cent of the population are recognized and this avoids the incalculable cost of a situation where the community is denied access to these talents and skills. It results also in a diverse workforce and better customer service.

4.3.6 The Affirmative Action Agency

The Affirmative Action Agency (The Agency) is a government appointed agency with its own Director of Affirmative Action. He/she is appointed by the Minister to whom he/she is accountable and must report. The functions of the Agency are :

- to advise and assist relevant employers in the development and implementation of Affirmative Action programmes;
- to issue guidelines to assist relevant employers to achieve the purposes of this Act;
- to monitor the lodging of reports by relevant employers as required by this Act and to review those reports and deal with them in accordance with this Act;
- to monitor and evaluate the effectiveness of Affirmative Action programmes in achieving the purposes of this Act;
- to undertake research, educational programmes and other programmes for the purpose of promoting Affirmative Action to achieve equal employment opportunity for women;
- to promote understanding and acceptance and public discussion of Affirmative Action to achieve equal employment opportunity for women;
- to review the effectiveness of this Act in achieving its purposes; and,
- to report to the Minister on such matters related to Affirmative Action in order to achieve equal employment opportunity for women as the Agency deems fit. (Office of Legislative Drafting, Attorney-General's Department, 1986 : 8A,10).

The Act requires institutions of Higher Education to submit reports to this Agency annually and that such reports are to include **“the further development and implementation of ... affirmative action programmes each year”** (RMIT, 1998 : 2). Through the Act the agency has the power to waive certain reporting requirements; grant extension of time for submitting reports; request for further information; name the relevant employer in Parliament who fails to provide the reports or further information in terms of what is required or does not comply with the requirements of the AA/EEO Act and grant awards for exceptional implementation of Affirmative Action programmes. For example, in 1996, The University of Western Australia received an Affirmative Action Agency Award for progress towards the integration of equal employment opportunity. Its strategy included the embedding of equal employment opportunity in the University’s strategic planning process (Burton, 1997 : 144).

4.3.7 The (Eight Step) Affirmative Action Programme

According to the Act, an Affirmative Action programme must consist of a strategic plan that addresses specific issues relevant to the workplace and must include the following eight steps :

- issuing by management of a policy statement notifying employees of the commencement of an Affirmative Action programme;
- conferring responsibility for the programme on a person with sufficient authority and status within the management to enable proper development and implementation of the programme;
- consulting with trade unions which have members in that workplace;
- consulting with employees, especially women;
- collecting and recording statistical and other relevant information on the programme;
- reviewing policies and practices of the employer to identify any discriminatory policy or practice or to identify any patterns of lack of

opportunity relating to women;

- setting objectives and making forward estimates; and,
- monitoring and evaluating the implementation of the programme to assess the achievement of the objectives and forward estimates (Office of Legislative Drafting, Attorney-General's Department, 1986 : 80).

4.3.7.1 The Impact of the Affirmative Action Act (The Eight Step Programme) on Higher Education

Higher Education institutions were the first employers to be covered under the Affirmative Action legislation passed by the Commonwealth Government in 1986. All institutions of Higher Education were required to implement and evaluate Affirmative Action programmes by acceding to the following requirements :

4.3.7.1.1 Issuing of Policy Statement Regarding Commencement of Affirmative Action Programme

The Act requires universities to make a policy statement which will serve to inform employees of the nature of the AAVEEO programme as well as the university's commitment to achieving its objectives. In other words, universities should make every effort to implement the AAVEEO policy and to ensure a general understanding of its rationale and the university's expectations of it. Multiple avenues are used by the universities to disseminate such information to staff, among them being inclusion of policy statements on the first page of official publications, regular articles about AAVEEO policies and activities in staff newsletters, briefing on AAVEEO issues such as induction and orientation programmes for new staff, publishing university policies and programmes on the internet, circulation of review reports and departmental talks by knowledgeable staff to committees.

Other activities undertaken to educate the university about Affirmative Action include the introduction of Women and Leadership Web sites, introduction of Recruitment and Selection Training manuals and the introduction of the Affirmative Action Liaison Officers' e-mail group. The publishing of university newspapers also constitutes a key activity which provides avenues for discussing Affirmative Action issues (RMIT, 1998: 16).

4.3.7.1.2 Consulting with Trade Unions and with Employees, especially Women

The university is required to establish meaningful and effective consultation mechanisms with the appropriate trade unions and with their workforce, particularly with women employees. This input is important for the content of the programme to properly reflect the real needs and concerns of employees, especially women employees, in the methods and mechanisms of eliminating existing disadvantage and discrimination. Further, consultation with women staff should play an important role in the universities' assessment of their progress and could possibly help them monitor women's experiences of the remaining impediments to equal opportunity.

The avenues through which consultation could take place include well-resourced EEO units, women's groups such as Women in Science, Women in Management, the Association of Women in the University (New South Wales), The Colloquium of Senior Women Executives in Australian Higher Education, The Network of Equal Opportunity Practitioners in Higher Education in Australia, University Women's Consultative Committee (University of South Australia), Affirmative Action Consultative Committees, Women and Leadership Implementation Committees and Women's Issues Networks (Royal Melbourne Institute

of Technology). Burton (1997 : 146), however, cautions that where the university equal employment opportunity committee constitutes the main consultative mechanism for female staff, formal channels have not always been established for members to report back to their constituent groups.

4.3.7.1.3 Setting Objectives and Making Forward Estimates

In compliance with the above AA/EEO plans included specific objectives and forward estimates, targets and time-frames, action plans, a body or officer responsible for implementing them and performance indicators against which progress could be measured. Short-term goals were to be set and programmes instituted to remedy whatever shortcomings and discrimination were identified. Longer-term action was to be taken to ensure that there was no structural basis for inequality.

4.3.7.1.4 Conferring Responsibility for Programme on a Person with Sufficient Authority and Status

The expectation of the AA/EEO legislation is that a senior executive will have carriage of the programme, overseeing its content and ensuring its integration into university strategic planning. Day-to-day responsibility is expected to be assigned to an EEO officer. The person appointed to perform the overseeing role was to be active in senior decision-making arenas and have the capacity to bring the Equity agenda into broader deliberations about university policy framework and implementation plans. Arising out of the above requirements, **“nearly half of Australian universities have EEO responsibilities built into their supervisor’s and manager’s position descriptions”** (Burton, 1997: 153).

This requires that the review of personnel policies and practice be built into the EEO Officer’s role. The EEO manager would, therefore, be in a

strong enough position, either in status or in actual reporting relationship, to ensure that EEO principles conform to university policy developments.

Irrespective of which position carries the overall responsibility for the programme, the commitment of the Vice-chancellor was essential for AA/EEO programmes to be pursued effectively. This was regarded as the single most helpful factor in creating an environment conducive to the effective management of a diverse workforce.

4.3.7.1.5 Monitoring and Analysis of Gender Patterning

Rigorous implementation, monitoring and evaluation processes were expected to be executed if much progress was to be made with respect to women's distribution and representation at institutions of Higher Education. For the university to be able to monitor and correct inequitable practices, it was required that data be routinely collected on some or other critical dimension of gender equity, for example, the patterning of men's and women's length of contracts, the number of years offered to men and women at the point of contract renewal, the retention rates for male and female academic staff on fixed-term contracts and the proportion of men and women who succeeded in obtaining positions. In this regard Burton (1997 : 157) categorically declares that the Equity Reviews conducted within universities, through the monitoring and analysis of gender patterning as requested by the AA/EEO policies, perform significantly important monitoring and evaluative functions.

4.3.7.1.6 The Collection of Data

The universities were also under obligation to collect and record statistical data and other relevant information related to the Affirmative Action programme. Such data may include the number of employees of either sex and the types of jobs undertaken by them or job classification of employees of either sex, etc. Such data must be analysed in order to

identify any patterns (whether ascertained statistically or otherwise) of lack of equality of opportunity in respect of women (Burton, 1997 : 9-13).

4.3.7.1.7 Monitoring and Evaluation of Programme

A further obligation of the universities, as stipulated by the Act, included the monitoring and evaluation of the implementation of the Affirmative Action programme and the assessment of the achievement of the set objectives and forward estimates. This was necessary to ascertain whether the programme was progressing or there were any shortfalls. It also provided opportunities for remediation.

4.3.8 Examples of National Affirmative Action Provisions for the Advancement of Women

4.3.8.1 Register of Senior University Women

The Australian Vice-Chancellors Committee (AVCC) has introduced a Register of Senior University Women. Established in 1995, the register is intended to improve the representation of women in policy and decision-making positions by publicising their experience and expertise within the Higher Education, government and business sectors (RMIT, 1998 : 16).

For example, the 1998 edition contains current contact information and classification, position, areas of special expertise/interest and senior appointments of over 2 500 senior university women. The register is a resource for identifying senior university women who could be called upon for appointment or nomination to senior positions and other responsibilities or for expert advice on a wide range of topics and issues.

4.3.8.2 The Colloquium of Senior Women Executives in Australian Higher Education

This was a network established in 1995 when the presidents of all Australian universities agreed to a proposal that the most senior women in Higher Education should meet nationally in order to exchange information and support. It was established with the following objectives in mind :

- to improve the representation of women in policy and decision-making positions in Higher Education;
- to provide an opportunity at the national level for networking and information exchange amongst women in Higher Education at senior levels;
- to identify and monitor the responsibilities, expertise and representation of women working at senior levels in Australian universities; and,
- to provide leadership and co-ordinated advice at the national level on significant issues as was appropriate.

(Lorenzo, 2000 : 1)

4.3.8.3 Network of Equal Opportunity Practitioners in Higher Education in Australasia (EOPHEA)

The aim of this programme is to strengthen existing equal opportunity and Affirmative Action programmes in Higher Education in Australia and New Zealand by sharing professional knowledge. In addition, the programme was concerned with the organizing of conferences, initiating and contributing to discussions of equal opportunity and Affirmative Action issues in national forums and making recommendations on policy matters

to decision-making bodies including government authorities and the Higher Education sector.

4.3.8.4 The Australian Technology Network (ATN) Women's Programme

The national ATN Women's Programme focuses on inter-institutional links and collaboration, mutually serving the interests and enhancing the entrepreneurial skills of Higher Education and other public and private corporations. The ATN Women's Programme is specifically tailored to service the interests and goals of targeted groups, namely, executive women (Women's Executive Development programme - WexDev), indigenous women (Women's Indigenous Network) and women working in non-traditional areas or professional isolation (Women in Professional Isolation).

www.unisa.edu.au/eqp/aa/wal/index.htm

Each of these national programmes offers a range of activities requiring differing levels of commitment. Each aspect of these flexible programmes is designed to enrich the wider university community through promoting women's voices and insights and facilitating their achievement in their personal and professional goals. Offered in a variety of modes, the programmes could adapt to meet the expressed interests and individual goals of women.

4.3.9 Examples of Affirmative Action Provisions for the Advancement of Women within Institutions of Higher Education

4.3.9.1 University Women's Consultative Committee (University of South Australia)

The terms of reference of this committee are as follows :

- to provide structures for consultation between women of the University community, the Equity and Diversity Unit, the Pro-Vice-Chancellor (Equity and Development) and the Vice-Chancellor;
- to encourage the participation of all women throughout the university in the decision-making processes of the university;
- to ensure that the decision-making process takes account of issues primarily related to women;
- to contribute to the development, monitoring and evaluation of Affirmative Action planning within the University via the annual planning cycle; and,
- to examine and advise on the impact on women of internal policies, decision-making and specific initiatives.

(Lorenzo, 2000 : 2-3)

Ultimately, the University Women's Consultative Committee aims to develop an environment in which women's contribution is enhanced, recognized, valued and rewarded. Also, it seeks to promote a culture which values and rewards exemplary Affirmative Action outcomes at the local level.

4.3.9.2 Affirmative Action Consultative Committee (AACC)

The terms of reference of this committee are :

- to consult with the university community on all facets of the RMIT Affirmative Action Management Plan via committee members who are representatives of their constituent bodies;
- to provide advice to the university decision-making bodies about equal employment opportunity issues via the chair and senior members of the committee with access to these decision-making bodies; and,
- to act as a reference point on the implementation of strategies outlined in the RMIT Affirmative Action Plan, such as RMIT Women and Leadership Implementation Committee, Women's Issues Network, (WIN), etc.

(RMIT, 1998 : 10)

Likewise there are a series of other programmes at other universities. A discussion of this is beyond the scope of this study.

4.3.9.3 Gender Representation Initiatives on University Governance/ Decision-Making Committees

Many institutions of Higher Education in Australia, as part of their commitment to Affirmative Action for Women, regard the participation of women in decision-making committees as **“fundamental to the achievement of equal opportunity, excellence and integrity of the University as it contributes to the richness of diversity in decision making”** (University of Western Sydney (UWS), 1997 : 1). In this area the efforts universities are making vary : some rely on 'general objective

setting' which has tended to achieve little while others with stronger AAVEO programmes have developed specific goals and mechanisms which have led to gender balance in key decision-making committees.

Among them, UWS (1997 : 1) affirmed the need to increase the number of women in senior decision-making bodies and in activities relating to university governance by way of introducing a university policy to this effect. According to the university policy this will be achieved by university projections, for example, ensuring that women comprise 40% of membership in a certain year and 45% in the following year and so on. It will also review the respective committee membership and identify those committees which have an underrepresentation of women. Where gender imbalance exists, the Vice-Chancellor, Deputy Vice-Chancellor or university nominee will discuss with the person responsible for the establishment of the committee the appropriateness of appointing additional members to redress the imbalance by highlighting the following strategies :

- co-option of additional women members;
- seeking women committee members who have relevant expertise from elsewhere within the university;
- appointment of female deputy chairpersons;
- appointment of alternating women and men;
- requesting bodies and individuals with nominating rights to consider nominating women to be members;
- inviting women staff members to attend and contribute to meetings;
- broadening eligibility to include more junior female members of staff; and,
- where election applies, encouraging and supporting women.

The UWS AA/EO Advisory Committee monitors the implementation of the policy. Each convener of university and member committees is required to report annually to the UWS AA/EO Advisory Committee where, for example, women do not comprise the required percentage of membership on the committee, as set out for the respective years. Conveners are required to provide to the UWS AA/EO Advisory Committee an outline of strategies to be implemented to increase the representation of women on committees where there is evidence of non-compliance with this policy.

Like UWS, a number of other institutions of Higher Education have percentage rules for gender balance on decision-making committees, e.g., The University of Technology (20%), The University of Queensland (25%) and Macquarie University (25%) (Pratt, 1996: 13-14).

Other Higher Education institutions have also developed policy responses to deal with the issue but these varied widely among them. Such institutions can be categorized as institutions with general objectives relating to female participation, institutions where gender representation rules exist, with or without identified targets and institutions with targets and related strategies which appear to be the ultimate requirement.

4.3.9.4 Affirmative Action and Mentoring Initiatives

A number of institutions of Higher Education, as part of their commitment to Affirmative Action for Women, have introduced mentoring programmes for women on their campuses. For example, at the University of South Australia (www.unisa.edu.au/eqo/aa/wal/index.htm) those who are interested in mentoring are encouraged to inform the Manager of the Equity and Diversity Unit. Further, if for example, a woman (mentee)

has a person in mind that she would like as a mentor but feels that she is unable to ask him/her herself, or if she does not know of anyone who can help her achieve her particular goals, she is encouraged by the university to contact the Manager of the Equity and Diversity Unit. The Manager would act as a broker in attempting to find the most suitable mentor. Those who wish to be mentored are also encouraged to do the same by informing the Manager of the Equity and Diversity Unit.

At RMIT, for example, the Staff Mentoring Programme began in 1994 as an initiative for women staff by the Equal Employment Opportunity Branch. The University Mentor Programme provides on-the-job, individual professional support and development, which can assist with both immediate issues and long-term career development. Staff are paired across the university according to skills offered and skills sought. A survey conducted among fifty respondents revealed a high level of reward for the programme (RMIT, 1998 : 14). A number of mentees attributed specific career achievements to their mentor in gaining promotion or gaining continuing employment.

4.3.9.5 Affirmative Action, Women and Research Initiatives

According to Burton (1997 : 150), as a commitment to Affirmative Action, twenty two universities developed special initiatives to facilitate women's research activity in Australia in 1995. The typical strategy directed at academic women is making provision for time and resources in order to facilitate progress in their research.

The types of activity universities introduced include, to a large extent, the Commonwealth Department of Employment, Education, Training and Youth Affairs (DEETYA) programmes for new researchers, among whom women are well represented, particularly in those disciplinary areas still

developing a research culture and profile. The programmes made provision for the release from teaching (for varying periods of time) of new researchers, especially women, in order to give them time to complete degrees or make progress in research publications as was the case at the University of Charles Sturt (Deane *et al.*, 1996 : 43). The University of Woolongong **“provided replacement teaching costs for twenty five women staff, and a thesis and research network to provide mentoring and workshops for academic women pursuing postgraduate study”** (Murphy, 1995 : 225).

The University of Charles Sturt also uses Women’s Networks to mentor research by women as a means of fostering research by women academics. Some universities even take account of family circumstances when assessing research performance. Others went to the extent of accepting the fact that the research productivity of women with little children will be less than others so that the research output requirement does not become an impediment in their progress towards promotion, etc.

4.3.9.6 Women and the Merit Principle Initiatives

In Australia **“the anti-discrimination and Affirmative Action legislation together require employment policies and practices to provide ‘equitable’ rather than ‘identical’ treatment”** (Burton, 1997 : 9). The provisions of anti-discrimination law, as well as Affirmative Action/EEO laws, require the application of the merit principle. In addition, Affirmative Action places a further positive obligation on employers to ensure certain groups receive equitable employment opportunity.

While legislation allows for taking positive steps to overcome the effects of past discrimination (redress measures), selection and promotion decisions are expected to be based on the best person for the job.

Preferential treatment in filling positions as a redress measure is not supported by legislation.

Under the Commonwealth Sex Discrimination Act 1984, Article 4 of the Convention on the Elimination of All Forms of Discrimination Against Women allows temporary exemptions and special measures to promote women's equality of opportunity. Such special measures were not considered discrimination as defined in the present convention, provided that they are discontinued when the objectives of equality of opportunity and treatment have been achieved.

Taking advantage of this provision in the sex discrimination legislation some universities specifically invited women to apply for senior tenurable positions while others have incorporated an Affirmative Action provision within its promotion policy allowing for a minimum proportion of promotions to be offered to women. Still, other universities have funded positions for women in male-dominated academic areas. The University of Western Australia, for example, funded positions in economics, architecture, engineering and geography (Burton, 1997 : 3). These initiatives were developed where it was believed that past practices operated unreasonably against women's appointment or progression.

Some examples of Affirmative Action/EEO initiatives which aimed at making women more competitive for jobs and promotions without undermining the merit principle include :

- management-development programmes;
- career-development workshops;
- women's participation in decision-making;
- correction for possible gender bias in staffing matters;
- active encouragement of women to apply for senior positions and for positions in areas where women are not well-represented; and,

- provision of increased opportunities for women to act in higher positions, particularly those including supervision and management.

(Burton, 1997 : 9)

4.3.10 The Impact of AA/EEO Policies on the Progress of Women in Higher Education

Owing to the fact that earlier staff lists of universities and colleges did not specifically identify whether their staff was made up of men or women, data on women were difficult to obtain. Nevertheless, Anderson *et al.* (1997 : 4), using a number of additional sources were able to present some information from 1978 in their 1997 report entitled **“Qualifications of Australian Academics, Sources and Levels 1978-1996”**.

Earlier surveys analysed in ‘The 1992 Study’ revealed that in 1978, 11% of university academics and 21% of college academics were women. By the beginning of the 1990s the proportion of university staff who were women had risen to 31%. By 1996, 39% (2 552) of all women academics (6 578) were in the university sector and 61% (4 026) were in the college sector while 56,5% (9 071) of all male academics (16 053) were employed by the university and 43,5% (6 982) by the college (Anderson *et al.*, 1997 : 2). They describe the male distribution at universities as disproportionately high, the difference in the number of males being 6 519. This is due to a large extent on the historical appointments of White males.

Women as a percentage of the academic staff in general increased from 31,9% in 1992 to 32,8% in 1994 (Burton, 1997 : 14) and to 41% in 1996 (Anderson *et al.*, 1997 : 2). This indicated an increase of 9,1% over a five year period. With regard to tenure, women in 1996 constituted 42,3% of all limited term staff and 27,8% of all tenured staff which was an increase from 26% in 1994. The

percentage of tenured males was 61,4% in 1996, having decreased from 64,3% in 1994 compared to 45,6% of females, which was an increase from 40,75% in 1994.

In order to improve the plight of women regarding limited tenure, some universities, as a commitment to Affirmative Action, have implemented under-award restructuring agreements, a procedure whereby conversion to tenurable status was granted to lower-level contract women staff who have been with the university for a considerable period and met the tenure criteria. The reason for this was to retain more women who were, thereafter, placed in a position to compete for promotion (Burton, 1997 : 139).

Over *et al.* (1994 : 343), having analysed the Australian Bureau of Statistics data, reported that even though the sex ratio had changed over time, there still remained substantial differences in status/rank. They found that in 1991, women numbered 51 per cent of tutors, 39 per cent of lecturers and 18 per cent of senior lecturers, but only 10 per cent of academics above the level of senior lecturer. Further, the representation of women among academics, particularly in tenure-level positions, has consistently been well below the participation rate of women as students. What concerned them deeply was that, although women constituted 52 per cent of undergraduate students and 38 per cent of higher degree research candidates in Australian universities in 1991, they held only 21 per cent of all positions at lecturer level or above.

According to Burton (1997 : 140), in positions below lecturer level (referred to as tutors above), there was a slight increase in 1992 from 51,3% rising to 51,6% in 1996. The percentage of females at lecturer level increased to 39,9% in 1992, 40,3% in 1994 and 41,6% in 1996. At the top of the ladder 12% (1 915) of men (16 043) were professors but only 3% (183) of women (6 578). Women in positions of senior lecturer positions increased from 19,1% in 1992 to 24,3% in 1996. With positions above Senior lecturer women held 10,1% in 1992, 11,6% in 1994 and 13% in 1996.

It is clear from the above statistics that although there was generally an increase in the number of women employed in the respective ranks, not only were they still underrepresented among university staff generally, but those who were in academe tended to be concentrated mainly in the lower levels of the academic career structure. **“Women with or without doctorates tend to be clustered in the lower half of the academic hierarchy”** (Anderson *et al.*, 1997 : 5).

The 1987 survey revealed that women had increased their share of doctorates by the year 1996 and that put pressure on universities to pay explicit attention to recruitment practices for women. This, along with the improvement in numbers of women being appointed, could be attributed to the positive response from universities to the Commonwealth Tertiary Education Commission exhortations for more flexible staffing arrangements and the Commonwealth Government’s legislation for Affirmative Action programmes.

More encouraging results were reported by Dunkin (1992 : 191-202) on promotions in one of Australia’s oldest and largest universities which, after controlling for age, qualifications and gender, concluded that the university’s equity programme was taking effect. Earlier studies had shown that age and sex had strong impact on speed of promotion to the detriment of female lecturers who were generally younger. There was also a general shift towards greater acknowledgment of teaching as criteria for promotion. This contributed to an increase in women’s promotion rates at some universities.

A review of the literature on the subject indicates that, as part of their commitment to the Affirmative Action Act, virtually all universities in general aimed at increasing the overall numbers of academic women as well as the representation of women at higher academic, administrative, technical and professional ranks. In order to achieve this, universities also monitored and documented the relative progress of men and women through the academic promotions process. Often it was found that women’s overall success rate was

as high as or higher than their male counterparts but fewer women than men, in comparison to their numbers at different academic ranks, applied for higher positions. Some universities, in an attempt to be transparent and to monitor progress at a micro-level, analysed the data to show what happened at each level of promotion. Such implementation, however, varied across institutions of Higher Education.

Some of the more common Affirmative Action initiatives in Australia include :

- women and leadership programmes;
- various kinds of support for women's research;
- increasing women's participation on decision-making and staffing committees;
- reviewing and altering promotion policies and practices; and,
- moves towards more open and accountable staffing decision-making.

(Burton, 1997 : 139)

However, the pace and enthusiasm for establishing strategies and goals and their implementation varied among institutions of Higher Education.

4.3.11 Cultural Barriers to Progress among Women in Higher Education

Recent Equity reviews conducted among Australian universities reveal the extent to which dominant values and priorities had become embedded in the structural management. These values also tend to influence policies, interpretation, decision-making and everyday practices which serve as further covert impediments to equal employment opportunities for women. Such findings highlight the need for stronger AA/EEO programmes at institutions of Higher Education aimed at redressing not only the obvious or intentional discrimination as is commonly the case, but also at the cultural/systemic impediments to women's progress which was often covert.

4.3.11.1 The Masculine Culture at Institutions of Higher Education

Women's experiences of organizational reality at universities in Australia suggest that **"the fundamental issue which needs to be addressed is the pervasiveness of the masculinity of organisational cultures"** (Burton, 1997 : XI). In this regard the draft Equity review report of the University of Western Australia states that : **"... the single most important change required is to [eliminate] the culture of masculinity and its implicit values"** (Burton, 1997 :10). Holton (1988 : 116) supports this view by describing systemic sex discrimination at universities as :

"... the gender bias which is built into institutional cultures and practices, reflecting the dominance of masculine outlooks and experience in the day-to-day organisation and management of such institutions."

Sandler and Hall (1986 : 4) describe such interpersonal and institutional barriers facing academic women as creating **"the chilly climate"** within which women are required to work and progress. Their study reveals that this **"chilly climate"** is experienced by women, as one imbued with masculine qualities, entailing *inter alia*, less support for women's scholarship, devaluation of their scholarly contributions and generally demoralizing and harassing interaction with colleagues. Women also argue that the prevailing interpretation of merit, the processes by which women staff are appointed and promoted and the relative value placed on their contributions to the attainment of universities' mission goals, is not gender neutral and this contributes to creating a disadvantaged environment for them.

It is argued, by women, that associated with the prevailing masculine norms is the relative power men are allowed to exercise. In their greater capacity to influence decision-making, men apply male value stances in staffing matters, thus constantly reinforcing masculine norms. The unfortunate aspect of such men is that they often do not regard their differential treatment of women as being the outcome of their own hostility or antagonism to women's presence. They believe that their actions are normal and acceptable in terms of the tradition and culture of the institution. This conforms to the view that the work environment is a gender - neutral one, a view held by people who are accustomed to it and who take it for granted and for whom it is 'the way things generally are and should be'.

In terms of the traditional academic culture women are also expected to adapt to, and be satisfied with, 'the way things are'. Often the way things are is characteristic of a homogenous male dominated population rather than the current diversity of men and women at universities. Women argue that the present shift in demographic composition, with more women academics entering universities in Australia, calls for organizational changes. Such changes ought to ensure the validity and appropriateness of staffing and other policies and practices in the context of greater diversity in background experiences, expectations, priorities and values of the present-day university staff. This makes imperative the need for stronger AA/EEO policies that would contribute to the removal of such impediments (Burton, 1997: xii).

4.3.11.2 Workloads

Another factor which is often, in part, a function of the traditional allocation practices of universities, to which AA/EEO policies should give greater priority, is the higher loads given to women (Burton, 1997: 66). These higher loads are often at the expense of their career progress. Data suggest that women have a lower research productivity

and a heavy teaching load.

A great deal of the overload comes from the tendency of women to succumb more readily than men to institutional pressure to assume them (McAuley, 1987 : 170). Generally, the more mundane administrative tasks as well as large first year courses are given to the more junior academic staff to perform. This has a negative impact on women, given their disproportionate representation at these levels (Deane *et al.*, 1996: 4). Also additional pastoral administrative roles by women along with large classes are perceived to have a negative effect on their time for research output and consequently their promotional rates.

4.3.11.3 The Research Culture

Many women feel that their commitment to quality teaching is often in direct conflict with institutional expectations for research activity. While quality of teaching is a promotion criteria at most, if not all institutions, many women feel that those researchers who have more to show by way of publications, etc., are often promoted ahead of excellent women teachers.

They claim that there is an undue emphasis on the numerical aspects of research when measuring performance and productivity. In this regard, Baldwin's research (1985 : 161-62) indicates that women are not necessarily appreciative of the values such as the emphasis on numerical research output since there are many who believe that:

“It is not women who should change, it is the system. We need much more emphasis on cooperative work and on the nurturing of our students, rather than the pursuit of individual reputations.”

The available evidence, as noted earlier, suggests that women experience a greater conflict between high teaching loads and research productivity than men, which relates in part to their structural location as lower level academics and, in part, to the nature of their teaching. Academics tend to value postgraduate teaching for their own research interests as has been noted. Postgraduate supervision is regarded as very important in relation to publications and long-term career. It supports research and publications and is a means of gaining access to new research (Fry *et al.*, 1996 : 92). At lower academic levels women are more likely to be found teaching large undergraduate classes and are not given opportunities to do research. Further, females are less likely to be found in the more senior positions which afford the highest degree of research activity (Waller and Grieve, 1998 : 11).

4.3.11.4 Participation in Decision-Making

The lack of an adequate number of women in key decision-making bodies has been the subject of criticism of a number of reports investigating the position of women in universities. This is regarded as a major impediment to their progress. In view of the increasing number of women at Australian institutions of Higher Education they currently constitute a significant stakeholder group. It is, therefore, felt that, as a commitment to Affirmative Action, more of them should take up positions alongside the more powerful male position holders in decision-making forums at universities than is the case at present.

Wilson and Byrne (1987 : 17) have identified areas of decision-making in Australian universities where the appointment of women is generally neglected. These areas include executive management, overall academic planning, resource allocation, control and development of degrees and courses and recruitment, selection and promotion. They found that women were more commonly represented in peripheral committees with no real power such as, for example, a university's

Anniversary-Celebration Committee.

Evidence from Equity reviews suggest that equity-related issues and the equity implications of broader decisions are more likely to be raised in committee deliberations where membership includes women as well. It is felt that such issues may not be known to exist by members of more narrowly constituted male dominated committees. This underscores the contention that there is obviously a dire need for women on these committees.

Women claim that, too often, the major impediment to their greater representation on important decision-making bodies can be attributed to the fact that committee membership is heavily skewed in favour of hierarchical position and to senior academics and administrators. Since women are not well represented at these levels they obviously do not qualify with regards to positions-based membership criteria.

In view of the aforementioned, Burton (1997 : 20) asserts that an AA/EEO programme aimed at improving representation and distribution of women should not be confined only to the elimination of direct, overt and intentional discrimination but should also aim at the elimination of cultural/systemic impediments to women's progress within academic institutions which is often covert. This will depend on the relative strength of the AA/EEO programmes as a significant contributory factor to women's employment profile within universities. It, therefore, calls for more aggressive AA/EEO policies.

4.3.12 Reactions to Affirmative Action

Under Australian Legislation Equal Employment Opportunities and Affirmative Action mean the same thing (Burton, 1997 : 10). Faculty at institutions of Higher Education feel differently. Some view Equal Employment opportunity to involve

non-discriminatory treatment and Affirmative Action to mean positive discrimination towards women. Equal opportunity is regarded as being consistent with the application of the merit principle and Affirmative Action is understood to undermine the merit principle.

In some universities, many staff believe that Affirmative Action includes preferential treatment in appointment and promotion decisions. Male staff, in particular, tend to be of the view that whilst EEO is fine, Affirmative Action is tantamount to 'tilting the playing fields'. Generally, feelings are mixed among men about the provision of initiatives designed specifically to further the employment prospects of women academics. Many are of the view that **"it depends on how far you tilt the playing field"** (Burton, 1997 : 12). There is also the perception, among faculty, that preference is given to women for promotion in particular.

Some universities, as a commitment to Affirmative Action, use the 'if all things are equal' principle. Staff at many universities believe that a policy such as, 'if all things are equal', a woman should be appointed, is in a way the intent of the Affirmative Action Legislation. Many are comfortable with the Affirmative Action principle, which encourages the appointment of women when it is difficult to decide whether a position should be given to the male or female candidate or when the committee cannot reach agreement (Burton, 1997 : 1). They, therefore, see the 'all things being equal' principle as being consistent with merit. Other staff do not support this principle of giving preference only to women in an 'all other things being equal' context as an Affirmative Action measure. Rather, it is seen as a reasonable policy to use for increasing female or male representation where there is an imbalance in the sexes.

The view that the preferential treatment given to women will enable a greater range of students to experience appropriate role models and a broader range of research interests to draw upon in their studies, is accepted by some staff at

universities. Academic areas at universities, where women's numbers are low, are more in favour of appointing women when male and female applicants are of equivalent merit.

Where a strong distinction between merit on the one hand and Affirmative Action on the other is made, any activity directed at women (active search strategies, staff development courses) is regarded by many staff as non-merit-based practices. In the minds of many staff, if a practice is not merit-based, it must be positive discrimination. They are of the view that, as equal employment opportunity is already in existence, any extra activity directed at increasing women's competitiveness must be regarded as preferential treatment (and therefore discriminatory). This attitude often leads women feeling anxious about taking up some opportunities which are offered to them for fear of negative reactions from male peers.

Some men argue that AA/EEO has gone too far and that enough is already done for the advancement of women. Others are comfortable with the preference given to women in the provision of support for their research endeavours particularly when outside funding, rather than departmental resources, is utilized. Some resentment is, however, often apparent.

A study by Mayer and Bacchi (1996 : 4) revealed that in 1990 a large majority of men did not believe that women faced discrimination, be it overt, covert or systemic. Therefore, they saw no need for introducing Affirmative Action programmes. Everett and Entekin's 1990 survey (1994: 222) on work related attitudes of academic staff found that men tended to believe that equal opportunity for women had been attained, while women held the opposite view. Burton (1997: 4) in her study of 'Gender Equity and Australian University Staffing' found that: **"Some men struggled to identify areas where they felt women might properly be supported by an EEO / Affirmative Action Programme"**. The implication of this was that they saw no contentious

Employment Equity issues and as such saw no need for AAVEEO Programmes.

4.3.13 Summation

Prior to the introduction of Affirmative Action (AA) in Australia, women were poorly represented as full-time teaching and research staff at institutions of Higher Education. Through the constant lobbying by the Commonwealth Tertiary Education Commission and other women's organizations the Affirmative Action (Equal Employment for Women) Act was passed in 1986.

Affirmative Action in the Australian context was about eliminating discrimination and taking positive steps to overcome the current and historical causes of inequality particularly of women. The Affirmative Action Act required that all institutions, including Higher Education with more than 100 employees, establish Affirmative Action programmes. Higher Education institutions were, in fact, the first to be required to implement the Affirmative Action legislation.

Following on the Affirmative Action Act of 1986, the government established The Affirmative Action Agency. The director of the agency was accountable to and had to report to the Minister of Education. Basically, the purpose of the Agency was to offer guidelines with regard to the implementation of the Affirmative Action Act and to monitor and evaluate the effectiveness of Affirmative Action programmes in achieving the purpose of the Act.

Through the Act, the government insisted that any Affirmative Action programme must consist of a strategic plan which should include the following :

- a management policy;
- a person responsible for the programme;
- consultation with unions;
- consultation with employees;
- collection and analysis of data;

- objectives and forward estimates;
- monitoring and evaluation of programme; and,
- a review of policies and practices.

Related to the above and, of significance, were the Equity Reviews that institutions of Higher Education were required to conduct. Such reviews served to monitor and analyse gender patterning, thereby performing a very important monitoring and evaluative function.

Several national and local women's networks were established by Higher Education institutions, the government and other women's groups in Australia. This initiative was regarded as part of a commitment to Affirmative Action and also to highlight the plight of women as well as to make them more visible in the academic world.

Some of the more common strategies and goals adopted by institutions of Higher Education in Australia, emanating from pressures exerted by Affirmative Action legislation included :

- the establishment of women leadership programmes;
- various kinds of support for increasing research among women;
- increasing women's participation in decision-making and staffing committees;
- reviewing and altering promotion policies and practices so that it did not overtly or covertly disadvantage women;
- moves towards a more open and accountable staffing decision-making;
- consideration of cultural barriers to women's progress at institutions of Higher Education;
- active encouragement of women to apply for senior positions and for positions in areas where they are not well represented; and,
- monitoring initiatives for women.

With regard to progress of women at institutions of Higher Education, statistics revealed that, while the number of women as a percentage of the academic staff had increased, there still remained substantial differences in status/rank between male and female as one moved up the academic ladder. They still tend to be concentrated in the lower levels of the academic career structure. Whilst there has been some increase in the number of women at the more senior levels of employment in Higher Education, it is regarded by women as being not rapid enough. Their progress, although not that significant, was, nevertheless, attributed to Affirmative Action policies and procedures

Finally, Australian women call for a stronger promulgation of AA/EEO policies. They feel that this would contribute to greater elimination of covert discrimination as well as other cultural impediments and contribute to their greater progress in institutions of Higher Education.

4.3.14 Implications of Affirmative Action in Australia for South Africa

The abundance of literature on Affirmative Action and Higher Education experiences in Australia provide important implications, specifically for Higher Education in South Africa. Although much of the emphasis is on gender issues, women in Australia were regarded as previously disadvantaged and, accordingly, many of the principles emanating from the review would be applicable to the previously disadvantaged in South Africa.

In addition to Affirmative Action being legislated it is supported by a special agency called The Affirmative Action Agency (AAA) which, apart from providing guidelines, monitors and evaluates programmes. Of importance is the fact that a Director of The Affirmative Action Agency for the country is appointed by the Minister of Education to whom he/she is accountable and must report. This AAA has tremendous power. Institutions of Higher Education, as part of their obligation to the AAA, are compelled to submit reports to them annually. By virtue of the Affirmative Action Act the AAA even has the power to name in

Parliament the respective institution that fails to provide reports or does not comply with the requirements of the AA/EEO Act. It also publicises and grants awards for the exceptional implementation of Affirmative Action programmes. The above has tremendous implications for South Africa, given the fact that many senior administrators of Historically White Institutions (HWIs) traditionally administered in accordance with the philosophy of the previous apartheid regime. Perhaps it would “**challenge [their] frozen mental maps and stimulate alternative innovative thoughts and policies [for their institutions]**” (Adam and Moodley, 1993 : 202).

Following the trends in the USA and Canada, Australia emphasises the necessity for an Affirmative Action Plan. This has implications for South Africa in that the conception of such plans call specifically for :

- a management policy on Affirmative Action;
- a person responsible for implementation;
- consultation with unions and employees;
- collection and analysis of data;
- objectives and forward estimates;
- monitoring and evaluation of programmes; and,
- a review of policies and practices. The Australian experience points to the fact that these Equity Reviews perform significantly important monitoring and evaluating functions .

In order to highlight the plight of women as well as to make them more visible in the academic world, several national and local women’s networks were established by institutions of Higher Education, the government and other women’s groups. Such a trend would not only be beneficial to women in South Africa but also to other previously disadvantaged groups.

South African Higher Education institutions could also benefit from the following

strategies and goals adopted by institutions in Australia as a commitment to Affirmative Action. Similar strategies could be employed for the advancement of the previously disadvantaged :

- the establishment of women's leadership programmes;
- support for increasing research among women;
- increasing women's participation in decision-making and staffing programmes;
- ensuring that promotion policies did not disadvantage women;
- remedying cultural barriers that inhibit women's progress; and,
- the provision of mentoring initiatives for women.

Objectives and forward estimates rather than rigidly fixed quotas were required in Australian Affirmative Action plans. Experience at institutions of Higher Education have, however, proved that general objective setting tended to achieve little whereas the development of specific goals met with greater success. Hence, a further lesson for South Africa.

Like the USA and Canada, Affirmative Action was regarded in the Australian context as temporary exemptions and special measures to promote equality of opportunity. Such special measures were not considered as discriminatory, provided that they were discontinued when the objectives of equality of opportunity and treatment were achieved. These precautions for the success of Affirmative Action should also have bearing on the South African Higher Education scenario.

The implementation of Affirmative Action in Canada, the last of the First World countries to be examined in this thesis, will be reviewed next. Like Australia's watchdog, 'The Affirmative Action Agency', Canada has the 'Federal Contract Program Requirements'. It would be prudent to note, *inter alia*, the similarities and differences between these two facilities that promoted Affirmative Action and Employment Equity in the respective countries.

4.4 AFFIRMATIVE ACTION IN CANADA

4.4.1 Introduction

In 1992 and again in 1995 Queen's University in Ontario, Canada, was found to be in compliance with the Federal Contractor's Program (FCP), a programme which identifies Aboriginal people, persons with disabilities, members of visible minorities and women as historically disadvantaged in employment in Canada. These four categories of people are described in the literature as the designated group members. The university was also twice awarded a certificate of merit in 1994 and 1998 respectively, in recognition of the university's special and continuing Employment Equity (EE) efforts.

In view of the above and given the difficulty of obtaining information on Affirmative Action and Equity efforts in Higher Education institutions in Canada, the programmes and efforts at Queen's University will be reviewed as being representative of what is expected of institutions of Higher Education in Canada. Factors that influenced the researcher to review the procedures at Queen's University in particular as a reasonable representative example, is the university's firm commitment to the removal of discriminatory barriers and its resolve to produce a diversity in the university's population and so reflect the diversity of the Canadian population. This is clearly enunciated in its mission statement that :

“Queen's University is committed to fostering an institutional culture which recognizes and respects the equal dignity and worth of all who seek to participate in the life, work and mission of the University, by developing policies, programs, practices and traditions which facilitate their free, safe and full participation and by eliminating direct, indirect and systemic discrimination, particularly against members of disadvantaged groups.”

(www.hr.queensu.ca/staff-rel/equity2/Intro.htm)

Further, the Senate and its special purpose committee continuously examine the policies, procedures and practices of the university. They compare this with other leading Canadian Universities to ensure that they conform to accepted social and legal standards of the Canadian society and make amendments accordingly.

Queen's University is an institution that has been long in existence. It is an academic community of great diversity which is administered in a decentralized fashion. Over the 150 years of its existence, Queen's University has established itself in Higher Education. Consisting of fourteen faculties and schools, the University offers a full range of undergraduate and graduate programmes. The faculty and staff complement of the University consists of over 3 600 employees and constitute the academic staff, general staff, research and contract staff and unionized employees. The university is also characterized by decentralized units and policies and procedures are developed through a consultative decision-making process.

When Queen's University designed its plan for Employment Equity in June 1992, it completed the first phase of a plan to achieve Equity in employment at the university. The following review assesses the current situation and the more recent updates of the university's Employment Equity plan. It was felt by the researcher that such a review will provide a background against which the current situation at institutions of Higher Education in South Africa can be evaluated. Further, aspects of this Employment Equity plan may also serve as lessons for South African institutions of Higher Education.

4.4.2 The Federal Contractors Program (FCP)

In Canada, any organization, including institutions of Higher Education which had more than 100 employees and which had contracts with Federal government

of \$200 000 and more is subject to the Federal Contractors Program (FCP) requirements. The FCP, a programme which identified Aboriginal people, members of visible minorities, persons with disabilities and women, as groups historically disadvantaged (referred to as designated groups in the Employment Equity Act of 1986) in Canada, was established in 1986. The programme intended to ensure that organizations doing business with the Federal Government achieved a representative workforce and commitment to Employment Equity by adhering to specific criteria on which the Achieving Equity Report is based. If Employment Equity measures were not designed and implemented, the contractor would forfeit the opportunity to compete for further government contracts (www.caut.ca/english/bulletin/98_jan/merit.htm).

Institutions of Higher Education were required to submit an Achieving Equity Report. The structure of these reports was based on the requirements listed under the respective headings. Such reports were evaluated to determine whether the requirements of the FCP as set out under the respective headings were adequately met. The listing of the requirements and the reviewing of how the university went about satisfying such requirements could serve as pointers for the South African scenario. In the discussion that follows, the researcher describes how universities went about satisfying the aforementioned requirements. This indeed could possibly serve as food for thought for South African Higher Education administrators and faculty as well as the institutions.

(www.queensu.ca/hr/equity/achievin.htm)

4.4.2.1 Management Commitment to Employment Equity (EE)

The following requirements of the FCP refer :

- **“Communication by the organization’s Chief Executive Officer to employees, unions and/or employee associations of the**

commitment to achieve equality in employment through the design and implementation of an Employment Equity plan.

- **Assignment of senior personnel with responsibility for Employment Equity.”**

(www.queensu.ca/hr/equity/achievin.htm)

The university's firm commitment to achieving EE is evident in the comprehensive communication strategy which is carried out both on and off campus and through the allocation of the responsibility for EE to the university's Vice-Principal (Resources). Among such strategies are those that call for the Principal, who is the head of the institution, to make known his personal commitment to EE in writing, as did the Principal of Queen's University in 1990 who issued the following statement :

“Queen's University affirms its commitment to employment equity. In this connection, employment equity is conceived in a comprehensive sense, including but not being limited to those matters referred to in the Ontario Human Rights Code, the Pay Equity Act of Ontario, and the Federal Contractors Program. This concept has particular application to the four designated groups under the Federal Contractors Program being women, Aboriginal peoples, persons with disabilities, and persons who are, because of their race or color, in a visible minority.”

(www.queensu.ca/hr/equity/achievin.htm)

As part of its communication and commitment strategy, the University is also required to affirm its commitment to EE by publishing statements to this effect in relevant Gazettes, etc. and/or publicising its mission

statement related to EE. For example, in 1992, in a discussion paper entitled 'Meeting the Challenges' and in 1994, in the Queen's Gazette, the university re-affirmed its commitment to EE by publishing the following statement which was also included in the university Staff Policy Manual :

“Queen’s is committed to removing discriminatory barriers not related to the quality of its educational and research goals. This commitment should produce over time a diversity of the Queen’s population that reflects broadly the diversity of the Canadian population.”

(www.queensu.ca/hr/equity/achievin.htm)

The university has an ongoing EE communication process. Through departmental mailings and memoranda, information regarding material available to assist departments in Equity-related functions are distributed. On a monthly basis, the Human Resources Department's co-ordinator of Employment Equity publishes a Gazette article on EE. The local media as well provides coverage regarding the university's Equity issues from time to time. Other university presentations communicate the EE message as well. Orientation for new staff members and orientation programmes for new department heads address Equity and human rights issues. The university Human Rights Office arranges speakers and provides workshops related to these topics. University training programmes incorporate the principles of Equity within each programme. The university mainframe makes a copy of the Employment Equity Plan available to all university staff, as well as to the public, through the electronic system.

4.4.2.2 Responsibility for Employment Equity

The following requirement of the FCP refers :

“Assignment of senior personnel with responsibility for Employment Equity.”

(www.queensu.ca/hr/equity/achievin.htm)

The EE function is incorporated into the university Human Resources Department which falls within the portfolio of the Vice-Principal (Resources). The Director of Human Resources heads the EE function and reports directly to the Vice-Principal (Resources). Two other segments of the EE function also report directly to the Vice-Principal (Resources). They are the Faculty Advisor and the University Council. The former provides a link with faculty issues for both the Council and the EE Unit.

The responsibilities of the Employment Equity Council, which include a diverse membership representative of all segments of staff including general staff, faculty and unionized employees, are :

- To review the university’s employment policies and practices, with particular attention being given to those procedures that may work against women, visible minorities, persons with special needs, Aboriginal people and other disadvantaged groups.
- To consult and communicate widely with the university community concerning Employment Equity questions and concerns.
- To review and monitor internal and external workforce data.
- To recommend changes in employment policies and practices and monitor progress towards the achievement of Employment Equity.

- To report to the Vice-Principal (Resources) as necessary and prepare an annual progress report, for general distribution, on all matters relating to Employment Equity goals and objectives.

4.4.2.3 Analysis of Employment Status Data and Salary

The following requirements of the FCP refer :

- **“Collection and maintenance of information on the employment status of designated group employees, by occupation and salary level and in terms of hiring, promotion and termination in relation to all other employees.**
- **Analysis of designated group representation in the supply of qualified workers from which the contractor may reasonably be expected to recruit employees.”**

(www.queensu.ca/hr/equity/achievin.htm)

The collection, maintenance and analysis of information on the employment status of designated group employees (as required by the FCP) is viewed as an important element of an effective Employment Equity plan by the university. The numerical representation of designated group employees within the university’s workforce and information about their employment status are measures of determining the university’s progress in achieving Employment Equity. The data are obtained from responses to the university Employment Equity Workforce Census conducted from time to time.

Data related to designated and non-designated group members are maintained in the Human Resources database and are available on an ongoing basis for analysis of the Employment Equity status of designated

group members relative to other employees. Information, such as data on hiring, promotions and terminations, is constantly analysed for changes.

The university also collects and maintains salary information as it relates to the designated groups. Such data reveal to the institution the salary range or salary quartile of members of the respective designated groups and whether they are poorly or well represented in the respective salary ranges and/or salary quartiles.

A workforce participation data analysis is also recommended and conducted by the university. The emerging university workforce profile as it relates to women, visible minorities, Aboriginal people and persons with disability allows for comparison with non-designated group members. It reveals also whether any changes have taken place and in which direction. Further, it provides an analysis of designated group representation within the university in relation to their representation in the overall workforce in Canada. In addition, it provides information on the representation of faculty by designated groups and their rank at the university.

4.4.2.4 Employment Systems Review

The following requirement of the FCP refers :

- **“Elimination or modification of those Human Resources policies, practices and systems, whether formal or informal, shown to have or likely to have an unfavorable effect on the employment status of designated group employees.”**

(www.queensu.ca/hr/equity/achievin.htm)

Given this requirement, the university, in its Equity Plan, maintains that one of the key components in the development of an Employment Equity plan is an employer systems review. This helps the institution to assess its current policies and to determine what needs to be modified, added or eliminated in order to create a workplace which is equitable for all. As part of its employer systems review, the university continuously compares its policies, procedures and practices with that of other leading Canadian universities with a view to ensuring that they conform to the accepted social and legal standards required by the Canadian society. Policies related to recruitment, selection, training and development, upward mobility, job evaluation, compensation, benefits, conditions of employment, lay offs, recall; disciplinary action and termination are reviewed on an ongoing basis. (www.queensu.ca/hr/equity/achievin.htm)

Such reviews in the past led the university to insist in their Equity Report that criteria used must be job-related, and/or required for efficient operation of the university. The authorities believe that when other criteria are applied, formally or informally, overtly or implicitly, they constitute barriers. They claim that intent is not a factor. If practices deprive or tend to deprive, whether they were so intended or not is irrelevant. Such practices are regarded as illegal.

The university committed itself to a three stage employment system review process as follows :

- The Stage 1 review includes the collection and documentation of all current major policy documents and an internal review of the employment systems affecting staff and faculty. This review is usually conducted by members of the Employment Equity Project Team.
- The Stage 2 review focuses on how policies are actually being

applied, the identification of current inappropriate policies and the identification of policies which the university should have but currently does not.

- The Stage 3 review (if necessary) introduces an independent reviewer. This review focuses on and clarifies any discrepancies that might have arisen from the Stage 1 or 2 reviews as they pertain to individual users of the policies and practices.

In undertaking such employment system reviews, the university uses the following criteria as guidelines :

- Legality : the policy or practice must conform to applicable labour and human rights laws.
- Consistency : the policy and practice must be applied consistently by and to all employees, especially those responsible for supervising, hiring, promoting, etc.
- Adverse impact : the effect, not the intent, must pass this test.
- Validity : the policy or practice must accomplish what it is aimed at, or intended to achieve.
- Job-relatedness : the policy or practice must be necessary for the safe and successful operation of the University.

With regard to Faculty Recruitment and Selection the following equity policies are recommended (www.queensu.ca/hr/equity/achievin.htm) :

- A standing committee, the Senate Committee on Appointment, Promotion, Tenure and Leave (SCAPTL) continuously reviews the regulations and other relevant documents to ensure that decisions affecting individual faculty members are made in a consistent manner according to established principles and standards, applied through fair and reasonable procedures.
- The Faculty Advisor works with faculty Deans and Department

Heads to review policies and practices to ensure that Employment Equity is fully understood and that nothing which might hinder its progress is inadvertently ignored.

- The Employment and Immigration Canada Employment Systems Review guide is used to determine whether existing employment systems promote or hinder Equity.
- All faculties and departments must follow the practice of advertising vacancies in at least one national publication available at Canadian universities and in the local university newspaper. The advertisement must contain a statement that the university **“is committed to the principle of equity in employment and encourage applications from women, visible minorities, persons with disabilities and Aboriginal people”**.

(www.queensu.ca/hr/equity/achievin.htm)

Attempts are also made to recruit from the designated groups, especially visible minorities, persons with disabilities and Aboriginal people, by specifically directed advertisements in non-traditional areas, or by writing to scholars in such groups when openings occur. This suggestion is considered if other methods of recruitment fail to bring desired results.

Standing Committees are specially appointed to consider staffing needs, review job requirements of vacant positions and proceed with assessment and recommend selection of candidates. The committee procedure is standardized, open and fair, e.g., the membership is publicly announced, records are kept, dated and verified and are available for reference. Whilst discussions are confidential they are recorded so that at anytime checks can be done to ensure that the process was fair, valid and equitable. To ensure that procedures are fair and equitable in helping participants understand and be committed to the principles

involved, education/orientation programmes for the staff are conducted on a regular basis. This includes departmental heads and all faculty who may be involved with administration, selection and promotion.

Arising out of the Equity efforts at the university success has been achieved in changing the gender balance of faculty. Women now represent approximately 35 per cent of all new professors, which is consistent with the proportion of women doctoral graduates in Canada. Every effort is presently being made to achieve a similar result in representation amongst faculty for the other three designated groups.

With regard to compensation the Director of Resource Planning tracks all data deemed useful in reviewing and monitoring the system for adverse impact on Employment Equity. From these data special committees and panels are appointed to examine compensation for all faculty to ascertain whether there was, or is, evidence of systemic bias against members of designated groups.

www.queensu.ca/hr/equity/achievin.htm

4.4.2.5 Equity Goals

The following requirement of the FCP refers.

- **“Establishment of goals for the hiring, training and promotion of designated group employees. Such goals will consider projections for hiring, promotions, terminations, lay offs, retirement and, where possible, the projected availability of qualified designated group members.”**

www.queensu.ca/hr/equity/achievin.htm

In the 1992 FCP Review, the university identified the following eight major Equity goals as the focus of the Employment Equity initiatives. Arising out of these reviews ideas could be developed for goal setting at South African institutions of Higher Education.

(www.queensu.ca/hr/equity/achievin.htm)

- Increase the participation of Aboriginal people in a wide variety of faculty and staff positions in the university workforce.
- Increase the number of members of the various designated groups in those categories where data analysis shows them to be underrepresented in comparison with appropriate external workforce data.
- Continue to develop, test and implement goal setting, monitoring and evaluation procedures with respect to increasing the number of members of the designated groups in those sectors where comparison with external data indicates a tendency of low participation or uneven concentrations.
- Develop a comprehensive personnel information system which will facilitate the training and promotion of designated group members in the workforce and support efforts to fulfill specific numerical goals by collecting information on applicants.
- Develop a system of recruitment, selection, hiring and orientation which supports efforts to increase the participation of members of designated groups in the workforce.
- Follow up the Stage 1 review of employment systems and practices with specific reviews and, where appropriate, task forces.
- Improve the university's workplace so that people with disabilities are able to function more comfortably, effectively and independently.
- Ensure that a variety of people, in particular members of

designated groups, participate in ongoing development of Employment Equity related policies and procedures.

It is clear from the above that the goals :

- ◆ involve numerical targets for each of the designated groups;
- ◆ provide mechanisms for setting additional targets as well as stimulating activity in areas where numerical targets are inappropriate; and,
- ◆ relate to developing an infrastructure supporting the achievement of the targets.

The Queen's University report reveals that, arising out of specific Equity goals set, since 1990 major achievements have been realized in relation to the qualitative goals where inroads were made in developing systems and practices that support efforts to fulfill further Employment Equity goals. Progress was also made with regard to numerical goals regarding projected hiring rates.

4.4.2.6 The Employment Equity Work Plan

The following requirement of the FCP refers :

- **“Establishment of a work plan for reaching each of the goals stated above.”**

www.queensu.ca/hr/equity/achievin.htm

The work plan is a flexible document. As priorities shift and situations change, the work plan/action plan changes. As goals are met they may

also be changed or replaced.

With regard to the above requirement the university found that in order to achieve their Employment Equity goals, it was important that responsibilities were assigned and timetables for completion established and indicated on the work plan. For each goal the action to be taken, the person/s responsible for this action and the timetable were set down in the equity work plan. The following is part of one example extracted from the university's report so as to indicate what it involved and how it is recorded :

Goal 1 : Finalize all packages of information or hiring kits to assist faculty selection committees and individuals responsible for hiring procedures to ensure their advertising and other recruitment practices support the effort to increase the diversity of the qualified applicant pool.

Action	:	Human Resources
Responsibility	:	Principal
Timetable	:	1995

4.4.2.7 Special Measures to ensure that goals are achieved

The following requirement of the FCP refers :

- **“Adoption of special measures where necessary to ensure that goals are achieved, including the provision of reasonable accommodation as required.”**

(www.queensu.ca/hr/equity/achievin.htm)

The following are some of the special measures and accommodation initiatives taken by the university to increase participation of designated groups in the workforce :

- The Queen's National Scholar Programme aimed at increasing the proportion of women among faculty. More recently it included the other three designated groups.
- A policy requiring written documentation giving reasons why women candidates were not recommended for respective academic positions.
- The Development of a Faculty Hiring Kit which, in addition to outlining good hiring practices, addresses issues specific to Equity, e.g., gender and culture during the interviewing process.
- An Outreach Advertising programme for the notification of special interest groups among the designated groups.
- The establishment of an Office of the Dean of Women which is a support medium for women and an avenue where women can meet to discuss issues of concern. Amongst its several activities it served as a catalyst for establishing an ongoing network for faculty women at the university.
- Queen's Women in Network group which comprised university women meet regularly to provide a forum for women to discuss issues of concern, organize conferences, etc.
- Establishment of a Central University Human Rights Office to provide the link between race relations and Employment Equity issues.

4.4.2.8 Monitoring Employment Equity Initiatives and Compliance

The following requirements of the FCP refer :

- **“Adoption of procedures to monitor the progress and results achieved in implementing Employment Equity; and**
- **Authorization to allow representatives of the Canada Employment and Immigration Commission access to the institutions’ premises and to the records, in order to conduct on-site compliance reviews for the purpose of measuring the progress achieved in implementing Employment Equity.”**

(www.queensu.ca/hr/equity/achievin.htm)

The Human Resources Equity, Employment and Development unit monitors the whole action plan. In anticipation of the next FCP compliance review the unit provides the Vice-Principal (Resources) with a semi-annual progress report which includes adjustments in time lines and actions as needed. This information is also provided to the Council on Employment Equity.

The Director of Human Resources is responsible for ensuring that the overall plan for the review of employment systems for staff is followed as the various systems are revised and policies reviewed. The Faculty Advisor on Employment Equity and the Faculty Assistant are responsible for overseeing the review of systems applying to faculty and the development of the information package surrounding faculty recruitment and retention. Ultimately, it is the responsibility of the Vice-Principal (Resources) to ensure that the progress of the Employment Equity initiatives within the university are monitored and reported to the Principal and Vice-Principals and to the Council on Employment Equity.

The representatives of the Canadian Employment and Immigration Commission are allowed to inspect records, etc. The purpose of this is to determine the degree of compliance related to the requirements of the

Federal Contractors Program (FCP) of 1986.

4.4.3 Summation

In Canada institutions of Higher Education with more than 100 employees and which have contracts with the Federal government for \$200 000 or more are subject to the Federal Contractors Program (FCP) requirements. The FCP identifies Aboriginal people, members of visible minorities, persons with disabilities and women as being historically disadvantaged. The objective of the programme is to ensure that the organizations doing business with the Federal government strive to achieve a representative workforce and a commitment to Employment Equity.

Organizations are required to submit an Achieving Equity Report in which the university sets out its strategies and progress towards Equity according to the following set criteria :

- management commitment to Employment Equity;
- responsibility for Employment Equity within the institution;
- analysis of data on employment status and salary;
- employment systems review;
- equity goals of the institution;
- the Employment Equity plan;
- special measures adopted to ensure goals are achieved; and,
- monitoring Employment Equity initiatives.

As a final check of compliance the government authorizes that representatives of the Canada Employment and Immigration Commission be granted access to the institution and to the relevant records in order to conduct on-site compliance reviews for the purpose of measuring the progress achieved in implementing Employment Equity.

Arising out of the aforementioned Equity efforts, success has been achieved in changing the gender balance of faculty at the university. Further efforts are, however, being made to achieve similar results in representation amongst faculty for the other three designated groups.

4.4.4 Implications of Affirmative Action in Canada for South Africa

Very similar to the USA and Australia, Canada also has a compliance agency, the Federal Contractors Program (FCP), to ensure that Affirmative Action legislation is complied with. More importantly and of greater implication for South Africa is the Achieving Equity Report in which the university sets out its strategies and progress towards Equity. There is, however, some overlap in this requirement with the USA and Australia implying that there is some consensus in the strategies among the developed countries where it proved relatively successful. The following Canadian requirements can serve as pointers for South Africa :

- a management commitment towards Employment Equity;
- responsibility for Employment Equity;
- employment systems review;
- equity goals of institution;
- the Employment Equity plan;
- special measures adopted to ensure goals are achieved; and,
- monitoring Employment Equity initiatives.

Also of significance is the practice of awarding certificates of merit by the FCP in recognition of the institution's special and continuing Employment Equity efforts. This should provide some incentive for institutions in South Africa to comply and to excel which, in the final analysis, would contribute towards speeding up Equity in the country.

Among the strategies used by Canada is one which is fairly unique that calls for

the Principal who is the head of the institution to make known his personal commitment to Employment Equity by issuing a written statement in that regard. This could filter down through the entire institution and perhaps develop a sense of commitment within the institution as a whole.

Also important is that Canadian institutions have a mechanism for internal monitoring before being subjected to the scrutiny of the state agency (FCP). This is called the Employment Equity Council which includes a diverse membership representative of all segments of staff. Its internal duties included a review of employment policies and practices, dealing with Equity questions and concerns of the university community, reviewing and monitoring internal and external workforce data, recommending changes in employment policies and practices, preparing an annual report and reporting to the Vice-Principal (Resources). The lesson for South Africa here is that it is essential for some internal body to be established to monitor progress. The constitution of the Council is also important in that it is fully representative of all stakeholders.

Also laudable are the special measures and accommodation initiatives taken by the university itself to increase participation of designated groups in the workforce. These include among others, The Queen's National Scholar Programme, the Faculty Hiring Kit, the establishment of the Office of the Dean of Women as well as Queen's Women in Network Group.

Like the USA and Australia, Canada establishes goals for hiring, training and promotion of designated groups. In addition, for each specific goal, the specific action to be taken, the specific person/s responsible for the action and the timetable are set down in writing in the Equity plan. The Canadian experience reveals that this leads to more efficient and rapid achievement of goals.

The next review will be on Affirmative Action/Employment Equity in Zimbabwe which is located in close geographical proximity to South Africa and has a similar colonial and political history. One of the major reasons for selecting

Zimbabwe is the enormous success it achieved with Employment Equity at the university through Affirmative Action.

4.5 AFFIRMATIVE ACTION IN ZIMBABWE

Zimbabwe and Namibia were selected for review because of their geographical proximity to South Africa and the many similarities among the three countries' colonial and political history. The literature on Affirmative Action and Employment Equity in Higher Education in Zimbabwe, however, is rather sparse. This is due to the paucity of publications concerning Higher Education. Much of the literature reflects mainly economic and constitutional concerns rather than academic and Higher Education employment concerns which is the focus of this study. A further reason for this paucity is because Zimbabwe has very few Higher Education institutions: one university, one polytechnic, four teacher training colleges and four technical colleges. These institutions service the entire country. Hence, wherever appropriate and possible, Affirmative Action/ Employment Equity in the private sector as well will be reviewed with a view to highlighting the relevant principles and/or lessons for Higher Education in South Africa.

In Zimbabwe racial discrimination was entrenched over many decades via a range of statutory provisions such as the Masters' and Servants' Act (1901), the Land Appropriation Act (1930), Industrial Conciliation Act (1934) and the Land Tenure Act (1969). Although job discrimination was never legislated, by implication and considering the *status quo* then, it was prevalent in the Public Service including institutions of Higher Education and in the private sectors. This led to enormous disparities between Black and White Zimbabweans over the years with regard to income, employment, education and ownership. By and large Blacks were excluded from secondary, tertiary and vocational education and training, making it an even more arduous task for them to advance at the same rate as their previously advantaged White counterparts in the respective occupations - both private and public. Black academics were so disadvantaged that by 1975, even after 20 years of formal non-discrimination mandated by a non-racial charter, tenured Blacks at the university

comprised a mere 8% of all tenured staff (Nell and van Staden, 1988 : 19-20).

Arising out of such racial discrimination White males predominated in managerial and other skilled jobs in the Public and private sectors (Nell and van Staden, 1988 : 22). Bennel and Strachan (1992 : 26) corroborate this view, noting that in 1980, Whites occupied 90% of senior and middle level positions in the public sector. The situation was worse at the University of Zimbabwe where in 1980 only 4% of the managers were Black and none of the Black staff was employed in the administration of the university (Kamba, 2000 : 43).

The relevance of this review lies in the fact that there were many similarities between the University of Zimbabwe during the pre-independence period and institutions of Higher Education in South Africa during the dark days of Apartheid. Walter Kamba (2000 : 42), who was appointed Vice-Chancellor of the University of Zimbabwe in 1980, maintains that **“From the time of its establishment, the University was bedevilled by white racial politics”**.

He describes the *status quo* at the university when he assumed his term of office as follows :

- Heads of Departments were predominantly White; out of approximately 50 departments there was only one Indian and one Black Head of Department;
- the recruitment policy favoured Whites, generally appointing the best academics from abroad, which meant that local Black academics, having less experience than those recruited, were deprived of employment and promotion opportunities at the university;
- Heads of Departments **“behaved as if they owned the departments...”**, consulting with only those with whom they wished to consult;
- appointments were made by a group selected by the Heads of Department;

- none of the Black staff members was part of the university administration; and,
- the Senate, which is the chief academic body, as well as the Council were overwhelmingly White.

(Kamba, 2000 : 43)

When Kamba assumed his tenure in 1980 the position regarding Employment Equity among staff had hardly changed from that of 1975 (mentioned earlier). Black Zimbabwean staff at the university comprised less than 10 percent (Kamba, 2000 : 43). However, on his departure, 10 years later, the proportion of Black staff at the university had increased to 60 percent. This achievement, against the background of the aforementioned challenges and obstacles, definitely have implications for Affirmative Action and Employment Equity in institutions of Higher Education in South Africa. It is for this reason that the researcher found it necessary to focus on the Affirmative Action strategies introduced at the University of Zimbabwe.

In 1980, after independence, one of the immediate concerns of the new Government was to redress the racial discrimination of the past and to introduce means of enhancing the power, status, education and plight of Black people in general. In Zimbabwe Affirmative Action took the form of a Presidential directive on Black advancement soon after independence. This included steps to eliminate the inequalities in the public sector. It required the Public Service Commission (the body responsible for appointment and promotion in the public sector) to :

- recruit staff in a manner that resulted in a balanced representation in terms of the composition of the population;
- ensure rapid progress and upward mobility of suitably qualified Black Zimbabweans through appointments and promotions in the public service; and,
- maintain efficiency and satisfy career aspirations of existing public servants.

(Castle, 1995 : 8)

In 1955 the University College of Rhodesia and Nyasaland was established to serve the Central African Federation. In 1970 it became the University of Rhodesia and in 1980, after independence, it was renamed the University of Zimbabwe. Its founding Royal Charter forbade any discrimination on the grounds of race, gender, nationality or class. This was replaced by the Act of the University of Zimbabwe in 1982. In spite of the Royal Charter, racial politics continued to have its impact on the university (Kamba, 2000 : 42). The employment procedures, the structures and the orientation of the university were all influenced by the racist ideology of the White Rhodesian society.

Before independence the students entering university came from a segregated school system. White students, although a mere 5% of the population, were provided with the best schools by the Rhodesian Government. School facilities for the majority Blacks were very limited and under-resourced. Whites were in the majority in university enrolment and university staffing.

In 1977 there were only four Black members of staff at the rank of senior lecturer and above. The first Black professor was appointed in 1978. In 1977, through the influence of the Vice-Chancellor of the University of Rhodesia a policy of Africanisation in respect of new permanent appointments only, was proposed to the Senate. The term Africanisation was replaced with Localization by the Senate which felt that Africanisation had racist connotations. The Black staff interpreted this as a ploy for the continued preferential treatment of local Whites as had been the case in the past. Nevertheless, by 1980, this policy led to an increase in Black tenured staff to 24% (Nell and van Staden, 1988 : 22). For some unknown reason this number was reduced to 10% in 1990 (Kamba, 2000 : 43).

The Vice-Chancellor then, Robert Craig, prior to his resignation in 1979 made numerous long term appointments of Whites to academic and administrative posts. In

this regard Kamba (2000 : 47) noted that during that year before independence :

“... promotion had been rushed through; people no more qualified than senior lecturers were promoted to full professorship.”

The Black staff viewed this as a strategy to stall the process of transition so that the equitable distribution of Black-White staff will take longer to achieve.

With the appointment of Walter Kamba as new Vice-Chancellor in 1980, the policy of Africanisation was changed to a Zimbabweanisation. This policy required that preference be given to Black Zimbabweans to permanent posts and that those who were not Zimbabweans be appointed to permanent posts only if no suitable Zimbabwean was available. Prior to this many high-level posts at the university were occupied by expatriates and virtually all professional posts and departmental headships were filled by Whites (Nell and van Staden, 1988 : 22).

During Kamba's tenure a three-prong policy based on the American Affirmative Action model was introduced. This included firstly, the eradication of discrimination; secondly, creation of equal opportunity; and thirdly, redressal through preferential treatment of Black candidates. According to Nell and van Staden (1988 : 22) the first point was not an issue in Zimbabwe . The second point about equalization implied opening up opportunities by making concerted efforts to attract Black applicants to apply for posts that they generally did not apply for in the past because they believed that they would not succeed anyway since they were Black; it also required careful wording of recruitment advertisements so that they attracted Black candidates to compete against other Blacks as well as Whites for posts. The third point required redressal through preferential treatment of Blacks which was associated with the threat of reverse discrimination. This raised the following questions :

- Would well-earned reputations be reduced given the view that the appointment of Black academics could be construed as an

acknowledgment of their race rather than their ability?

- Would only already privileged Blacks benefit, overlooking those less well connected?
- Would such a policy not enhance racial consciousness, highlighting group membership at a time when vigorous attempts were being made to move away from racism and discrimination?
- Would the fears of Whites about their future not be exacerbated by a policy which appears to threaten their own future advancement?
- Would not Black self-confidence be eroded by being appointed through Affirmative Action redressal measures?

Many of the fears raised by the redressal aspect of Kamba's Affirmative Action policy proved groundless (Nell and van Staden, 1988 : 22). The university's staff statistics of 1986 clearly reveal this. Of the 400 strong university staff the percentage of Blacks increased to 44. Further, there was a reduction of a mere 18% of White staff since the implementation of Affirmative Action policies. A large percentage of those who left was due to voluntary non-renewal of contracts by the individuals themselves. There were also no glaring indications that Black self-confidence had been eroded through the implementation of Affirmative Action policies.

What is significant about Kamba's attempt to bring about Employment Equity at the University through his Affirmative Action policy is that he was of the view that **"... the position of Vice-Chancellor is pivotal to the process of this transformation ..."** (Kamba, 2000 : 44) and that he carried out his duty as such **"... with missionary zeal"** (Kamba, 2000 : 44). Of further significance was the fact that he was directly involved in every step of the process, ensured that the process was transparent and convinced the academics of the merits in his scheme from the bottom up, starting initially with the approval of lecturers and ending with the approval of the Council. His approach was also based on the consensus of the academics at the university in that he categorically argued that :

“ ... if they could convince me that my system was either unworkable or would have a negative impact on the University, I would be prepared to re-examine my position.”

(Kamba, 2000 : 46)

In order to redress the imbalances in staff composition at the university Kamba developed and implemented strategies to transform the governance structures, given the *status quo* mentioned earlier on. He felt that this was essential as the departments were vital academic units in the transformation process since it was there that discussions on curriculum, research and managing resources emerged. In this regard he targetted transforming the Heads of Departments, mindful of the fact that a change in the way departments were managed would affect the composition of the Senate, of which Heads of Departments were automatically members.

Prior to his term of office Heads of Departments, the majority from the old racist order, were appointed permanently until they resigned as professors or retired. In an attempt to replace those heads, without incurring any legal repercussion, he set up a task force to look into the structure of departments. After much discussion he personally compiled a suggested plan of action as follows :

- chairpersons of the respective departments would be appointed by the Vice-Chancellor in consultation with members of the departments and the Dean of each faculty;
- the chairperson would administer the department for a period of three years whereupon the contract appointment could be renewed;
- a departmental board headed by the chairperson would be established to deal with matters related to the department; and,
- the chairperson would serve as a departmental representative on the Senate.

He sought to achieve this in two stages : Firstly, heads were required to relinquish voluntarily their contractual rights to Head the Department. He did, however, guarantee the professors that they would remain academic leaders and enjoy all their privileges except for the right to be Heads of Departments. Initially this was met with resistance but after personal discussion with the heads about the merits of his plan, all but five, out of 50 departments, agreed to his suggestion. Secondly, he addressed members of the faculties on the advantages of his scheme and gained their support. His strategy in addressing Heads of Departments and members of faculties first and winning their co-operation made it difficult for the Senate to reject what had already been agreed upon by the staff and lecturers. The Senate ultimately gave its approval. Having mobilized the academic community the Council had no option but to approve the scheme he had recommended.

With regard to developing greater Black control of departments Kamba used the University Ordinance 25 of 1982 to accomplish this. This Ordinance separated professional status from departmental administration. The departmental administration was delegated to departmental chairpersons appointed by the Vice-Chancellor. Since these chairpersons were not required to be full professors as was the case in the past, Kamba took advantage of this rule in administering his Affirmative Action policy. In 1983 he appointed a large number of Blacks as department chairpersons while retaining some existing Whites. This strategy revolutionized the Senate and led to a greater representation of Blacks among the middle echelons at the university. This was perceived by the Black staff as a move towards transformation at the university and for the first time **“those who had felt negligible came to regard themselves as valuable participants in the process”** (Kamba, 2000 : 4).

With respect to the above appointments Kamba (2000 : 47) emphasised that applications for appointments were scrutinized by the departments themselves and recommendations were then sent to the appointment committee which was chaired by the Vice-Chancellor himself or his nominee. In this regard Kamba emphatically states that :

“In the first years of my appointment, I chaired almost all the committees in order to ensure transparency in, and accountability by, the University.”

(Kamba, 2000 : 47)

What is significant about the above procedure is the personal commitment of the Vice-Chancellor, the transparency under which it was done as well as the fact that the appointments were not a hasty means of empowering Blacks and more importantly not a form of tokenism.

All permanent appointments of expatriates were changed to contracts so as to provide an opportunity for staff development of local Black Zimbabwean academics. In order to develop the capacities of those Black academics who were newly appointed a scheme was arranged for them to attend programmes at various institutions and universities around the world after spending some time at the university. On their return they were reinterviewed. He found that the majority of the of the newly appointed Black staff had developed expertise and, hence, became valuable members of staff.

To address the past criticism that Whites were appointed beyond their qualifications and Blacks below theirs a working committee was established by the Vice-Chancellor to review notching/grading and tenure issues. Nell and van Staden (1988 : 22) noted that the Black majority on the committee gave greater weight to academic excellence and less to diffuse experience criteria and recommended more stringent promotion criteria. With regard to this the Vice-Chancellor posited the view that :

“There were expectations from Black Zimbabweans that, now that they had a Black Vice-Chancellor, now they were free, they would all become professors. I did not agree with this way of thinking..... Applicants had to establish their performance in research, their

competency as teachers, the value of their contribution to the university.”

(Kamba, 2000 : 47)

A 1983 Ordinance formalized the committee’s findings and provided an avenue through which staff could request a review if they felt that they were unfairly disadvantaged from attaining a post. In their reviews the committee allocated the greatest weight to the most traditional academic criterion, research publications.

To ensure that standards were maintained and the good reputation of the departments and the institution were upheld (a concern expressed earlier on) the following measures were undertaken :

- a tightly controlled contract system for new appointments;
- a rigorous probationary process that included peer and student review;
- provision for contract termination if the individual did not attain the required standard within a reasonable time; and,
- adequate funds were made available for an external examiner system, the purpose of which was to support the university’s confidence in its own standards at a time of transformation and experimentation with staff appointments and promotion.

The success of Kamba’s Affirmative Action policy was attributed to the :

“... explicit policy directive from the university’s top management that placed a formal imprimatur on the policy of change : the directive augmented the university’s will to change and reduced value conflict.”

(Nell and van Staden, 1988: 22)

Further, Kamba's technique of establishing working committees from within the staff inculcated a sense of participation among stakeholders in the transformation of Higher Education.

A significant aspect of the success of Kamba's Affirmative Action policies was the application of Affirmative Action at all levels simultaneously from management through to departmental headships and not only to new appointments. This policy gave the previously disadvantaged Blacks an assurance that they were in control of events and that the changes being made were not merely cosmetic.

It is clear from the above review that Affirmative Action in Higher Education generally favoured Black men. Little progress was made in advancing the occupational status of women despite the optimism expressed by some observers in the years immediately after independence. In fact the Zimbabwe government pledged its commitment to the promotion and advancement of women, a commitment which partly manifested itself through the application of Affirmative Action within the public service (Reimer, 1992: 19). The aim of this Affirmative Action policy was for women to hold 30 percent of management positions in the Public Service. It was hoped that this goal would be achieved through training and further education of women employees and giving preference to them for a position in the case of an equally qualified male candidate. The outcome of this was that by 1999 women constituted 3,6% of professors, 15,9% of associate professors, 19,8% of senior lecturers and 35,4% of lecturers at the University of Zimbabwe (Singh, 1999: www.acu.ac.uk/yearbook/142-womens.html). Reimer (1992: 19) posits that this goal of 30% women in management is a long way off but it could serve as a source of encouragement for them.

We now look at the lessons for Higher Education in South Africa from the Affirmative Action experiences of the Public Service in general and the private sector in Zimbabwe. As part of an Affirmative Action strategy the Retirement Incentive Scheme was introduced in the Public Service to create vacancies for Black incumbents. This encouraged White civil servants to retire early, given the attraction of generous retirement packages. The result was that nine years after independence, 95% of the

Public Service was staffed by Black Zimbabweans, with women generally occupying the lower rungs of the ladder (Strachan, 1993 : 144). While rapid Black occupational advancement was facilitated and appeared to be a positive sign Gatherer and Erickson (1992 : 66) found that it had a negative impact on the efficiency of the civil service, arising from the emerging nepotism, tribalism, fraud and corruption caused by the mismanagement of Affirmative Action.

Strachan (1993 : 138-9) records that the advancement of Blacks in the private sector in Zimbabwe was initially criticized as window-dressing and racism in reverse. This was due to the fact that often technical and professional qualifications and experience were ignored in the appointment of senior managers who owed their position to political patronage and nepotism. A 1987 Government Commission of Inquiry into parastatals revealed that such ministerial interference and appointments impeded the successful management of organizations and the success of Affirmative Action. Castle (1995 : 10) noted that where ministerial and political influence rather than ability or potential were used to hasten Black advancement, for example in Air Zimbabwe, the consequences were disastrous.

Another problem arising from poorly conceived Affirmative Action policies was the overpromotion of both Black and White personnel after independence (Hofmeyr and Whata, 1991 : 20). When those Whites who, as part of an Affirmative Action policy, were encouraged to retire from the civil service, army and police to make way for Black incumbents, they were offered executive positions in industry. Like Black window-dressing appointments such White over-promotion did not serve to enhance the position in industry. Over-promoted Whites, lacked competency and tended to resist the upward mobility of educated Blacks with potential, whom they regarded as threats, largely because of their own lack of competency. This attitude of the Whites is perhaps also expected in Higher Education scenario since many were overpromoted during the years before independence (Kamba, 2000 : 47).

Bennel and Strachan (1992 : 31) applauded the sustained commitment by top White managers to developing Black managerial expertise in-house as the most significant

contribution to Affirmative Action that enhanced Black occupational advancement in the private sector. They offered the following compensatory programme for Black advancement that served as useful lessons for Higher Education institutions :

- the willingness of experienced White managers to provide on-the-job training for junior Black incumbents;
- the early recognition of Blacks with high potential for progress;
- specially designed curriculum for management to cater for the needs of the Black graduate incumbents;
- the rigorous enforcement of merit-based promotion criteria; and,
- the establishment of clear career paths with comprehensive and detailed job descriptions.

According to Castle (1995 : 11), attempts to implement the above Affirmative Action strategies successfully were often complicated by covert racism. Bennel and Strachan (1992 : 32-33) found, in a 1990 study of Black and White managers in Zimbabwe, that Black managers perceived themselves as victims of persistent and widespread racism. Some White managers also felt that many of their White colleagues were blinkered by racial prejudice. They also found that social and cultural differences, resulting to a large extent from racial separation in the past, were key factors influencing racist attitudes. They suggested, however, that apart from culture and race being causes of poor Black occupational advancement at senior levels, other significant causes included the high levels of turnover among Black graduates in employment, creating job instability and a lack of incentives for top White managers to provide on-the-job training.

4.5.1 Summation

In Zimbabwe the racial discrimination entrenched over many decades led to enormous disparities between Blacks and Whites with regard to income, employment, education and ownership. The majority of managerial positions/ positions of control were in the hands of Whites in the Public Service, private

sectors and the university. In fact Black faculty were so disadvantaged that thirty years after non-discrimination was mandated by the non-racial Charter, tenured Blacks comprised a mere 10 percent of the university staff. Further the middle echelon of the university was almost devoid of Black employees. There were literally no Black university administrators.

Affirmative Action in Zimbabwe took the form of a Presidential directive, proclaimed after independence, in an attempt to facilitate Black advancement especially in the Public Sector. This directive was legally binding on the civil service and prison service and on the university. This led to enormous growth of Black men in employment in the public sector including the university and a certain degree of success with regard to Black women as well. The growth rate of women academics at the university, especially in the middle echelons and positions of control, was not as rapid as in the Public Service. Although optimism was expressed regarding Affirmative Action and occupational status of women, in effect it generally favoured Black men. However, encouraging measures were implemented to improve the plight of women in the Public Service including the university.

Initially the administration of Affirmative Action was fraught with problems through mismanagement and abuse. It was, *inter alia*, used as a tool to enhance the government's power base and was often associated with nepotism, tribalism, fraud and corruption.

At the Higher Education level Affirmative Action took on various terminologies through time, viz., Africanisation, Localization and Zimbabweanisation. It finally crystallized into a three-point policy based on the American Affirmative Action model. This included firstly, the eradication of all forms of discrimination; secondly, creation of equal opportunity; and thirdly, redressal through preferential treatment of Black candidates. Its implementation was initially dogged with accusations of reverse discrimination and lowering of standards, etc. In the Zimbabwean university context these fears were proved to be

unfounded as special strategies were adopted to ensure that standards were maintained and the good reputation of the institution upheld.

As part of a strategy to transform the university so that more Blacks gained employment as well as control positions at the university a specifically tailored Affirmative Action policy was implemented by its Vice-Chancellor, Walter Kamba. This ensured redressal, expedited transferring of departmental control to Blacks and reviewed staff appointment procedures to ensure that Blacks and women were not overtly or covertly disadvantaged. This led to an increased number of Black academic appointments at the university to approximately 60 percent in 1990.

It was clear from the review that the major reasons for the success of Affirmative Action/Employment Equity policies and programmes in Higher Education were:

- the belief of the university's top management in transformation and their will to change;
- the explicit policy directives related to Affirmative Action/Employment Equity given by the top management;
- the application of Affirmative Action policies at all levels simultaneously and not only for new appointments; and,
- the greater representation of Blacks on working committees.

4.5.2 Implications of Affirmative Action in Zimbabwe for South Africa

In South Africa, as in Zimbabwe, both legislation and social practice have to change to ensure access to education, training and development. These are long term goals. For the short and medium terms Affirmative Action strategies are essential.

While the Zimbabwean experience reveals that legislating for Affirmative Action

was responsible for its success it also emerged that, on its own, it is not totally adequate. Further, while Affirmative Action emerged as an effective tool to counter already existing and previous disparities in Higher Education employment a credible agency with the power to monitor and adjudicate employment practices in Higher Education is *sine qua non*. In order to successfully conduct its task this agency should be representative of all major stakeholders at the institution.

In Zimbabwe Affirmative Action generally favoured Black men. Progress at advancing the occupational status of Black women, especially in Higher Education, was minimal. Lest South Africa falls into the same trap, special legislation needs to be introduced in order to enhance the occupational advancement of women. If such legislation does exist, as was the case in Zimbabwe, it should be applied more stringently.

Training and developing young managers or academic staff at institutions of Higher Education, especially if they came from a disadvantaged education system and/or were Affirmative Action beneficiaries, require much time, money and other resources (mentoring, etc.) on the part of the employer. This was necessary to equip them with the necessary skills. Job hopping from one institution to another in search of promotion or higher wages, as was the case with Black Affirmative Action beneficiaries in Zimbabwe, is considered by critics to have a negative impact on management building the capacities of academic staff as well as job stability at the institution. These job hoppers were readily offered positions because they wore the marketable tag of being previously disadvantaged and were thus in demand by employers so that institutions can portray the politically correct equitable staff complement. Institutions of Higher Education in South Africa need to be aware of this and guard against it. They need to ensure that the salaries and other perks that they offer to academic staff are market related in order to attract and retain them.

Employers in Zimbabwe found it convenient to place Affirmative Action

beneficiaries in soft positions (personnel, lower levels of the academic hierarchy, tutorship, library, etc.) rather than in hard positions (line-management). This encouraged job hopping in search of a better job as the appointees were not placated with their soft positions. It is another trend that South African institutions of Higher Education need to guard against. Merit, based on the minimal qualification requirement and the potential to succeed, rather than mere political accommodation should guide future appointments and promotions of academics in South Africa. If Affirmative Action beneficiaries are considered for appointment they should be placed in positions of responsibility and influence and further training be given so that they may rise and, be seen to rise, on the basis of merit. Such a strategy would ensure institutions of Higher Education a safe investment.

Another lesson from Zimbabwe is in the occupational advancement of Blacks in White corporate structures. There was little or no pressure on Whites to accommodate racial or cultural diversity in the private sector and, therefore, the occupational advancement of Blacks was slow. This demonstrates that good-faith efforts on their own cannot be relied upon for the advancement of the previously disadvantaged. In the South African context necessary pressure is a must to appoint and promote Black academics especially in the Historically White Higher Education institutions which were originally established in accordance with the apartheid ideology.

Many Black Zimbabweans, who successfully advanced in their jobs, attributed their achievements to their educational qualifications. Such qualifications were often obtained abroad. The authorities in South Africa should provide the necessary training and compensatory education for the previously disadvantaged to help raise their level of performance in their respective fields. On-the-job training and experience, especially for Higher Education employment, requires a high standard of education. The demand for such a standard from among the previously disadvantaged in South Africa is questionable given the fact that they were deprived of quality education in the

past. The reliance on qualified expatriates and South Africans educated abroad to fill faculty and managerial positions in Higher Education as an alternative would defeat the hard fought struggle to rise above the evils of apartheid in education. Further, rewarding the already privileged group (the élite) also entrenches dependency on outside sources and limits the progress and empowerment of the previously disadvantaged. South Africa should embark on special programmes such as mentorship programmes, short courses, grants, workshops, scholarships and student/staff exchanges to empower the previously disadvantaged. This would enhance the experience and educational qualifications of candidates with potential thereby increasing the pool of Black academics available. In this way beneficiaries of Affirmative Action would soon hold their own as academics in Higher Education and would not be set up for failure as products of mere political accommodation or tokenism.

Overall and, on a more general level perhaps, another important lesson for South Africa from the Zimbabwean experience is that for Affirmative Action to be successful wider issues of economic and political reform need to be addressed alongside Affirmative Action. Due to the lack of adequate expansion in the economy in Zimbabwe jobs are scarce for those whose numbers vastly increased through Affirmative Action strategies. An educated mass without jobs is sure fodder for destabilizing the most democratic country. Therefore, for Affirmative Action to achieve positive outcomes in South Africa it would have to be linked to broader strategies for economic reconstruction and development.

Regarding Higher Education specifically the following are other implications that could influence the success of Affirmative Action in South Africa :

- belief in and commitment of top management of institutions to transformation and the will to change;
- no change would take place at departmental level if no decisive policy change is made at the highest level of university governance;
- application of Affirmative Action and Employment Equity policies at all

- levels simultaneously and not only to new appointments;
- inclusion of all stakeholders at institutions in the Affirmative Action (AA) and Employment Equity (EE) working committees;
- greater role of the Senate in bringing about change related to AA and EE, given that the Senate at Higher Education institutions in South Africa is not a significant player in the institution- wide transformation initiatives and process (Cloete *et al.*, 2000 : 13);
- incentives for top White managers to provide on-the-job training;
- introducing retirement schemes for Whites to create vacancies for Black incumbents;
- noting dangers of appointing candidates without the ability or potential required for that position;
- commitment of top White managers to developing the expertise of Black incumbents in-house;
- rigorous probationary process and termination of contracts if the AA beneficiary did not attain the required standard within a reasonable period;
- targetting change in the governing structures of Higher Education institutions in order to facilitate AA and EE especially because institutions in South Africa were established and governed in pursuance of the apartheid ideology in the past;
- harnessing the expertise of the previously advantaged Whites in order to build capacities of AA beneficiaries;
- commitment to transparency in implementing AA and EE policies;
- a bottom up consultation in devising AA and EE strategies;
- introduction of a comprehensive staff development scheme for previously disadvantaged Black academics;
- awareness of the possibility of nepotism, tribalism, fraud and corruption being associated with poorly designed AA policies and the need for strategies to crack down on such practices;
- awareness of the negative effects of political interference in AA appointments and the need for preventing this; and,

- encouraging all stakeholders to buy in to the recommended, Affirmative Action and Employment Equity programmes by constant lobbying.

The next review will focus on Affirmative Action and Employment Equity programmes in Namibia which is in close geographical proximity to South Africa. One of the reasons for selecting Namibia apart from its location is its similarity to South Africa's colonial and political history. Being South Africa's close neighbour, "... **their treatment of equality and Affirmative Action may well be reproduced here**" (Thompson, 1993: 14).

4.6 AFFIRMATIVE ACTION IN NAMIBIA

Since 1884, Namibia, then known as the German Protectorate of South West Africa, has been subjected to the weight of colonial occupation and exploitation. After World War I South Africa took over the administration of Namibia. Although *de jure* a mandated territory with South Africa as its trustee, it had increasingly become a *de facto* colony of South Africa. In fact, for a large part of its history it was administered as a fifth province of apartheid South Africa. Hence, the ideology of apartheid also extended to Namibia. Racial discrimination was legally enforced in much the same level as in South Africa. It is, therefore, not surprising that Asombang (1989: 193) and Mbuende (1986 : 14) describe Namibia's economic structure and social systems as products of colonialism and apartheid.

The first attempt at abolishing racially discriminatory laws was set in motion at the end of the 1970s and at the beginning of the 1980s. This led to the eventual independence of Namibia. This was done in pursuance of the agreements entered into between South Africa and interested parties and the Namibian government, installed by South Africa.

A century of colonization left Namibia with a deeply divided society characterized by gross inequalities in wealth distribution and access to educational resources and

services. Therefore, at independence, Namibia inherited a social structure that was not only racially and ethnically fragmented but also characterized by gross inequalities in all spheres of life. For example, Black Namibians, apart from being lowly qualified and earning wages below the subsistence level, were virtually excluded from better paid managerial, administrative and technical jobs (South West African Peoples Organization(SWAPO) 1981 : 65-66). Castle (1995 : 19) reinforces this view by claiming that Namibia's human resources, at independence, were characterized by the dominance of White males in decision-making and skilled positions in the private and public sectors of the economy.

During the colonial period separate education systems were established for Whites and people of colour (Pakarae, 1986 : 123). The education provided for Black Namibians was so inadequate that in 1994 a mere 30-40% of children over the age of fifteen were considered to be literate (*The Weekly Mail and Guardian*, 7-13 January 1994). Secondary school education was also of a poor standard with less than 300 students qualifying for university entrance during the period 1970-1980 (Castle, 1995 : 15). Despite the existence of a small educated middle class and attempts by SWAPO to uplift the educational level of the people at the onset of independence, Namibia still faced an educational crisis of considerable proportion.

The situation regarding education was so tenuous that until independence in 1990 Namibia did not have a university of its own. Consequently, there is a dearth of information in the literature on Affirmative Action and faculty hiring, promotion, etc., in institutions of Higher Education. Nevertheless, the researcher felt it relevant to review Namibia's general Affirmative Action and Employment Equity experiences with a view to highlighting those principles which could have a bearing on Higher Education employment in South Africa. South Africa could probably learn from their successes and avoid their mistakes.

On independence, in 1990, Namibia adopted a new Constitution in which Article 10 in subsection 2 guaranteed equality before the law for all persons and "**prohibited**

discrimination on the grounds of sex, race, colour, ethnic origin, religion, creed, social or /economic status” (Republic of Namibia, 1990 : 14-15). Many believed that the formal abolition of discrimination and the guarantee of equal rights alone would not redress the existing inequalities in Namibia but, in fact, perpetuate it unless well-targetted remedial measures were adopted (Thompson, 1992: 52). They were of the view that such measures would redress the consequences of a history of racial discrimination, class exploitation, gender oppression and inequalities in education. It was felt that in order to achieve progress in Namibia, Affirmative Action should be introduced as one contributory exercise towards eradicating at least some of the inequalities that existed and were still being perpetuated.

Subsection 2 of Article 23 in the Constitution enabled the Namibian parliament to pass Affirmative Action legislation in addition to provisions for non-discrimination as expressed in Article 10. Thus, Castle (1995 : 16) maintains that the constitution **“attempts to weld the notions of equality, anti-discrimination and the redress of past imbalances”**, an invaluable step that institutions of Higher Education in South Africa should be well aware of. Reinforcing Article 10, Article 23 of the Constitution prohibits the practice and the ideology of racial discrimination, making it a criminal offence punishable by law. It also made provision for Parliament to enact Affirmative Action for the advancement of people who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices in Namibia. Further, it authorized Parliament to implement policies and programmes with the objective of redressing social, economic and educational imbalances in Namibian society arising out of past discriminatory laws. This included, the development of a balanced structuring, *inter alia*, of the Public Service, the Police Force, the Defence Force, the Prison Service and services for previously disadvantaged women as well.

According to the Namibian statutes an Affirmative Action Programme is defined as:

“... a set of measures designed to ensure that persons in designated groups enjoy employment opportunities and are equitably

represented in the various positions of employment with the relevant employer.”

(Thompson, 1992 : 56)

The statutes also clearly state that a :

“... designated group can, and will often be, defined in terms of race although other criteria such as gender and/or physical disability might also be used.”

(Thompson, 1992 : 56)

Subsection 3 of Article 23 of the new Constitution makes the following special provision for women :

“In the enactment of legislation and the application of any policies and practices contemplated by Sub-Article (2) hereof, it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.”

(Republic of Namibia, 1990 : 14-15)

One of the significant aspects of this legislation is that it provides support for disadvantaged groups in terms of gender and socio-economic status as well rather than solely on the criteria of race. It also acknowledges that not all people automatically earn the right to Affirmative Action assistance purely on the basis of skin colour. Du Pisani (1993 : 31) advises that this particular Article on Affirmative Action is enforceable in court whereas other provisions in the Constitution directed at promoting

the welfare of women such as equal pay for equal work, maternity leave and measures to protect the health of women workers, etc., are not enforceable. However, the Ombudsman has an obligation, set out in Article 91, to ensure equal treatment of women.

In spite of the fact that women make up over 50 percent of the total population they are underrepresented at almost all levels of employment in Namibia (du Pisani, 1993 : 31). Political and economic power remain predominantly a male preserve. As a commitment to implementing Affirmative Action policies and embracing the tenets of Subsection 3 of Article 23 of the Constitution the post-independence government expressed a willingness to address women's rights and advancement to some degree. The Department of Women's Affairs was established in the Office of the President. Valuable work was also done by the Women and Law Committee of the Law Reform and Development Commission and by the Namibian Women's Association among others.

The progress that women made since independence, however, **“has mostly not been the fruits of government sanctioned Affirmative Action”** (du Pisani, 1993 : 31). Much of the credit must also be given to non-governmental organizations (NGOs) and a number of activists. The Department of Women's Affairs has also had some success mainly in deliberations with traditional leaders on the rights of women under their jurisdiction. Further, du Pisani (1993: 31) proposes that, in addition to formal recognition of the equality of women, **“the gender dimension of Affirmative Action needs sustained attention”** by the Namibian authorities so that there is substantial progress among women.

All Namibian Affirmative Action programmes were to be subjected to review by a Commission on Affirmative Action in Employment whose main task was to monitor and ensure that all Affirmative Action Programmes were implemented in accordance with the legislation. The task of this Commission included, *inter alia* :

- investigating complaints of discriminatory practices in employment; promotion of conciliation in the event of a real grievance; failing conciliation, the institution of legal proceedings against the offending party before the Labour Court;
- monitoring employer compliance with their obligations;
- advising employers on the development and implementation of Affirmative Action programmes; and,
- suggesting amendments to programmes in order to bring them in line with statutory requirements.

(Swanepoel, 1992 : 25; Castle, 1995: 17; Thompson, 1992 : 57)

Swanepoel (1992 : 23) and Castle (1995 : 17) envisage that management has a major role to play in the progress and implementation of Affirmative Action. Thompson (1992: 57) emphasised the vital role that management were required to play for Affirmative Action/Employment Equity to succeed in Namibia. They were required to:

- introduce programmes and procedures to inform and to consult employees and their representatives about the Affirmative Action programmes;
- conduct an analysis of the composition of their workforce in order to determine whether persons in designated groups are reasonably represented in the various job categories;
- assess existing human resources management practices with a view to identifying those which tend to discriminate against or exclude persons from designated groups;
- take action to amend, eliminate or revise human resources management practices which tend to discriminate against and exclude persons in designated groups;
- take action in order to make reasonable provisions for the physical limitations experienced by disabled persons;
- provide special training programmes or schemes (if employing

- more than 50 employees) in order to ensure that employees from designated groups acquire the necessary skills and qualifications necessary for recruitment and for advancement in their careers;
- ensure the preferential recruitment or promotion of suitably qualified persons in designated groups in order to achieve equitable representation of these groups in the various categories of employment;
 - set numerical goals and general objectives based on what the employer intended to achieve;
 - introduce timetables for the attainment of goals and objectives;
 - establish internal procedures that are necessary to monitor and evaluate implementation of the Affirmative Action programmes; and,
 - appoint senior members of staff with overall responsibility for the effective execution of Affirmative Action programmes in their establishments.

On the basis of the aforementioned, it is clear that Namibian employers were required not only to rectify the injustices of the past but, also have to introduce other preferential policies and practices to achieve Equity in employment, such as promoting certain groups of people over others. This recommendation has major implications for managers in institutions of Higher Education in South Africa.

Apart from a balanced structuring of the civil service, the implementation of Affirmative Action has also contributed to a change in its institutional culture (Jauch, 1998 : 146). Prior to independence this culture was moulded by White males who served as gatekeepers for the exclusion of women and Blacks so that they did not rise to senior and middle management positions. Through Affirmative Action the appearance of the civil service was not only altered but changed in its function and outlook. It also ensured a far greater diversity of Namibians entering higher levels without fear of marginalization.

In general Affirmative Action in Namibia centred around employment in the Public sector where the main beneficiaries have been Black males. Women are still underrepresented in positions of influence although the government has undertaken several initiatives to improve their status. Women's groups explained that they continue to suffer under prevailing discriminative attitudes in society. They feel that women need to be more specifically targeted by Affirmative Action policies. A clear example of this is where targets were introduced for women during the local authority elections of 1992 that demonstrated how Affirmative Action can be successfully implemented to ensure progress among them.

It is evident from the Namibian experience that the policy of Affirmative Action would only reduce inequalities on a race or gender basis while increasing inequalities on the basis of class as was noted earlier. The limitations of Affirmative Action in the Namibian context should, therefore, be acknowledged (Jauch, 1998 : 14). Economic and social policies necessary for redistribution will have to be implemented alongside Affirmative Action if the Namibian government wishes to eradicate socio-economic inequalities, a legacy of Namibia's colonial past. It is, therefore, clear that actions to achieve such fundamental changes go beyond the scope of Affirmative Action.

4.6.1 Summation

Namibia's history of colonization and apartheid left it with a deeply divided society characterized by gross inequalities among them. In an attempt to eradicate the inequalities of the past, Affirmative Action as a policy, was legislated. Of significance was that such policies also considered gender and socio-economic criteria rather than being concerned solely with race. The experiences to date reveal that the main beneficiaries of Affirmative Action were Black men. Namibian women, therefore, emphatically declare that they need to be more specifically targetted by Affirmative Action in the future if they are to enjoy greater success.

In order to ensure that Affirmative Action programmes were implemented in

accordance with the legislation the programmes were subjected to review by a Commission of Affirmative Action in employment. This included, in the main, investigation of complaints of discriminatory practices in employment, monitoring employer compliance and their obligations, advising employers on implementation and suggesting amendments wherever deemed necessary.

4.6.2 Implications of Affirmative Action in Namibia for South Africa

Namibia, like South Africa, is a nation struggling with reconstruction and development after a long history of exploitation. Nevertheless, certain principles that emerge from Namibia's Affirmative Action and Employment Equity experience may be applied to Higher Education in South Africa.

As in South Africa, Namibian Whites regard themselves as being as African as the Black majority. By implication, such attitude reveals a reluctance to empathize with historical discriminatory practices and the consequent need to redress these in favour of the previously disadvantaged. Although resistance to Affirmative Action exists it is not overt in Namibia. Given the Namibian background and the numerous parallels with South Africa, having been once a *de facto* colony of South Africa, administrators of Affirmative Action in Higher Education must be mindful of the potential White resentment. This is important so that it does not evoke any White backlash. Any opposition to Affirmative Action during such a crucial period will not augur well for the kind of supportive race relations necessary for the empowerment and advancement of the previously disadvantaged and would probably stifle their appointment as faculty or managers of institutions of Higher Education.

The Affirmative Action in Employment Bill introduced by Namibia calls for the necessity to recruit and promote employees on the basis of their qualification and skills. In the light of the poor education for the disadvantaged in apartheid South Africa, such educational qualifications would be scarce and, hence, presumably be an unreliable prediction of performance. If Affirmative Action is

to attain success in South Africa a more realistic and creative strategy that emphasises competency and experience must be in place. The implication here is that South Africa needs to devise ways of assessing experience and potential rather than rely solely on academic qualification credentials. Competency based education and assessment and recognition of prior learning are some of the areas that need to be considered.

Of further importance to South Africa is the fact that Namibia has a monitoring agency referred to as the Commission on Affirmative Action in Employment. The task of this Commission is to ensure that Affirmative Action programmes are implemented in accordance with the legislation. These include in the main :

- investigation of complaints of discriminatory practices in employment;
- monitoring employer compliance and their obligations;
- advising employers on implementation; and,
- suggesting amendments wherever necessary.

The requirements of management in Namibia also have implications for the South African managers in institutions of Higher Education. They should :

- inform and consult employees about Affirmative Action programmes;
- assess existing human resource practices;
- amend, eliminate or reverse human resource management practices;
- provide special training programmes for designated groups;
- ensure preferential recruitment and promotion for persons from designated groups;
- set numerical goals and introduce timetables for attainment;
- establish internal procedures to monitor and evaluate Affirmative Action programmes; and,
- appoint senior members with overall responsibility for the effective execution of Affirmative Action Programmes.

The Namibian experience also reveals that women were underrepresented at almost all levels. A suggestion that the gender aspect of Affirmative Action needs sustained attention if there is to be substantial progress among women, is something that institutions of Higher Education ought to take heed of.

This review is followed by that of India “... **the biggest laboratory in human history for affirmative action policies...**” (Thakur,2000: www.dawn.com/2000/02/18/int7.htm). The total population of disadvantaged Scheduled Castes (SCs) and Scheduled Tribes (STs) here for whom Reservation (Affirmative Action) is intended equals the population of the two Super Powers (Social Study Circle, 2001: www.ambedkar.org/ssc/development/comp_outline.htm). Therefore, the mammoth task of implementing Affirmative Action policies for such a large group could provide some lessons for Affirmative Action and Employment Equity in South Africa.

4.7 AFFIRMATIVE ACTION IN INDIA

There is a dearth of information related specifically to Affirmative Action (AA) and Employment Equity (EE) with reference to the recruitment of previously disadvantaged academic staff at institutions of Higher Education (HE) in India. Nevertheless, because of its relevance to the present study, the researcher reviewed the available literature in a general manner. South Africa might well be able to learn from the Indian experiments, their failures as well as their successes. Studying their approach can be valuable simply if it expands our own vision of what is possible. The suggestions that appear in this review are offered in this spirit : to provoke at least some new discussion and to prompt greater curiosity about how Affirmative Action/ Employment Equity experiences outside our borders can contribute to its success in South Africa.

It was evident from the review that many of the general principles, challenges and problems emerging from the Indian experience could be used as a guide to the

effective implementation of Affirmative Action and Employment Equity in Higher Education institutions in South Africa. For example, proponents of Affirmative Action in India, in creating equal opportunity for all by providing special benefits for some, attempted to ensure a delicate balance between the two principles for it to be a success (Weiner, 1993 : 5). Cognisance needs to be taken of this principle when designing and implementing Affirmative Action and Employment Equity plans in order to successfully transform Higher Education in South Africa.

A further lesson for South Africa to note is that political party agendas, which interfered with Affirmative Action policies in India, also contributed to resentment against it and, hence, affected its progress negatively. These are but a few instances where the general Indian experience can have a bearing on the manner in which Affirmative Action and Employment Equity is implemented in Higher Education in South Africa. A host of other implications in general and in Higher Education in particular are discussed under the heading 'Implications of Affirmative Action in India for South Africa'.

Havanur (1992 : 102) describes India as the world's most diverse conglomeration of people. The 2001 population census revealed that India, made up of 28 provinces and 6 union territories / states, has a population of 1, 027 billion, 18 official languages and 1 652 mother-tongue dialects (Government of India : Census 2001). This makes Affirmative Action and Employment Equity programmes in Higher Education a mammoth task. Further there are 308 universities, 12 349 colleges administered by the universities, 7 institutions of technology and a student population of 7 400 000 with 3 420 000 academic staff (www.ugc.org). South Africa like India has a diverse community, although not to the same extent as India. Also the vast majority of them are disadvantaged. The Indian experience could, therefore, help South Africa develop strategies to ensure the effective implementation of Affirmative Action and Employment Equity. This provides a further reason for the review.

In addition to the vast array of dialects, religious and ethnic differences and the numerous Higher Education institutions and personnel, the ranking of people as either high or low caste and the widespread poverty and lack of education among them make

Affirmative Action imperative to alleviate the plight of the already stigmatized and down trodden lower caste (Jauch, 1998 : 10). It must be noted, however, that while the *de jure* position of the Constitution of India prohibits and outlaws the caste system, the *de facto* social pattern as described above still prevails more prominently in the rural areas (Bekker, 1992 : 63).

The caste system, one of the major sources of discrimination which had existed for more than 3 000 years was developed by *Brahmins* (priests) in order to maintain their superiority (www.dalits.org/whoaredalits.html). Eventually the caste system became formalized into four distinct classes *Varnas* which consisted of *Brahmins* (the priestly caste), *Kshatriyas* (the warrior caste), *Vaisyas* (the trading caste) and the *Shudras* (the servile caste) (Seenarine, 1996 : 2). Lowest in the hierarchy beneath the four main castes was a fifth group made up of the Scheduled Castes (SCs) and Scheduled Tribes (STs) who were commonly referred to as Dalits, outcasts or untouchables (www.dalits.org/whoaredalits.html).

There are approximately 260 million Dalits who comprise 26 percent of the population. In a country where the Constitution stipulates that every individual is entitled to equal rights and opportunities one out of every four persons is deprived of educational and employment provision and is condemned as untouchable.

Weiner (1993 : 5) claims that “... **such disparities among Indian castes are not the result of British colonial rule but are deeply embedded in the Indian social order**”. Reddy (1993 : 3) supports this viewpoint as well by regarding this inequality as “**a very deep rooted one in the hearts and minds of Indian people**”. Havanur (1992 : 103) underscores this contention about castes claiming that those who were placed at the lower end of the hierarchy were subjected to many “**ignominies and disabilities preventing them from rising above the place and condition fixed for them by scriptural laws**”. Seenarine (1996 : 2) extends this perception in the belief that they are also subjected to “**limiting strictures**”. He quotes the examples of untouchable groups who were, *inter alia*, not allowed to draw water from wells and tanks used by

upper caste Hindus or to enter temples.

Prior to independence the caste system strongly affected the lower caste's educational opportunities, employment in government service including Higher Education institutions, ownership of land and other property, civil and political rights as well as other job opportunities. Hence, the caste system, has **"... long been a burden of Indian society"** (Thompson, 1993 : 36).. During the World Conference Against Racism in August 2001, the caste system was described by members of the National Campaign on Dalit Human Rights as **"India's social shame"** (Padayachee, 2001 : 1). As it created enormous inequalities, the post-independence national Government led by Nehru committed itself to transform India into a more egalitarian society. Havanur (1992: 104) stresses this need by stating that the caste system was contrary to the ideals of an egalitarian social order and entrenched inequality. Reddy (1993 : 32) corroborates this contention by his comment that the caste system in India was **"a textbook type of inequality [which] existed for millenia"** prior to independence of India in 1947.

Although **"... the heinous crime of untouchability"** was made a legal offence by the Indian Parliament as early as 1955 it was and is still kept alive (National Campaign on: Dalit Human Rights : info@dalits.org). The upper caste Hindus (caste Hindus) insisted on enforcing the inferiority of the *Dalits* (untouchables) in many ways and if the Dalits tried to improve their standard of living and education they were cruelly persecuted. The literature reveals that the most effective weapon which promoted the perpetuation of untouchability was the institutionalised bias and denial of access to educational resources.

For about 1 500 years the SCs and STs were denied education. They were not even allowed to listen to Sanskrit, the language of the educated upper caste and religious literature, or enter temples which were repositories of knowledge. In fact the suppression of educational development among them was so immense that, if at that time, they were caught listening to speeches or hymns by the upper caste, lead was

poured into their ears (Raza, 2002 : personal interview). Knowledge was the preserve of *Brahmins* who subsequently became well educated and held influential positions in society. As the majority of Dalits were denied education they took on the menial low-paid jobs in society. This denial of education to the Dalits kept them in bondage under the upper caste which in the long term prevented them from attaining necessary qualifications for employment in Higher Education institutions.

In the years that followed primary and secondary school education for the low castes was extremely poor. The Indian Constitution mandated the State to provide free, compulsory and universal education for all children up to the age of 14 with special consideration to be given to the promotion of educational progress of SCs within a period of ten years. In spite of this, enrolment of Dalit children in 1993 was an inexcusably low 16,2 percent, while among the non-SCs it was 83,8 percent. There was also staggering dropout rates among Dalit children (National Campaign on Dalit Human Rights, 1999: www.sandesh.org/CastandRace.html). While this may be partly attributed to the need for Dalit children to supplement their family income through labour; more insidious was the discriminatory and abusive treatment by non-Dalit teachers and fellow students that led to such massive dropouts. Because of such poor early education and overt educational suppression the Dalits had little hope of progressing towards equitable employment in Higher Education.

At institutions of education there was an unacknowledged Reservation policy for upper castes, particularly *Brahmins*. Although they comprised a mere 5 percent of the population they occupied more than 70 percent of the jobs in government services. In the composition of university teaching faculties a very similar situation existed : upper castes occupied 90 percent of the posts in the Social Sciences and 94 percent in the Sciences, while Dalits occupied an insignificant number of posts (National Campaign on Dalit Human Rights, 1999 : www.dalits.org/).

The representation of Scheduled Castes (SCs) and Scheduled Tribes (STs) in academe either as students or employees at schools, colleges and universities was negligible. Thousands of qualified SC and ST applicants to institutions of Higher

Education were deliberately refused employment. SC and ST lecturers and students were deprived of opportunities to further their studies. Invitations to study abroad were concealed from them while the upper caste academics were privileged to study abroad on Scholarships and other schemes. Further, the number of SCs and STs occupying higher level posts such as Senior lecturers, Readers, Assistant Professors, Associate Professors was almost non-existent (Social Study Circle, 2001 : www.ambedkar.org/ssc/reservation/resevn.htm).

Upper caste Professors were privileged to serve as Heads of Departments until retirement and had full power in the admission of students, assessment of students' performance and recruitment of staff (Rao : www.indiapolicy.org/debate/Notes/jagadiswara.html). These upper caste Hindu Professors made no attempt at enabling or facilitating attempts by SC or ST students to qualify with M Phil and PhD degrees which were essential prerequisites for teaching at institutions of Higher Education. They were deliberately given a poor rating so that they were denied eligibility for teaching even if they possessed the necessary higher qualifications (Social Study Circle, 2001 : www.ambedkar.org/ssc/reservation/resevn.htm). A retired British ICS (Indian Central Secretariat) officer who served India for a long period of time summed up his observations thus :

“Perhaps India is the only Nation in the World where the Teachers instead of teaching the poor are denying them education, instead of equipping them with knowledge are condemning them, turning them as unfits and deliberately rating them low. In fact this has been the history of India. One could not ever afford to forget Egalivya.”

(Social Study Circle, 2001 : www.ambedkar.org/ssc/reservation/resevn.htm)

It is apparent from the aforementioned discussion that :

“If Education is the Key, then Dalits are Locked Out.”

(National Campaign on Dalit Human Rights, 1999 : www.dalits.org/)

In an attempt to transform India into a more egalitarian society the Indian Constitution of 1950 made explicit provision for Affirmative Action in favour of the disadvantaged caste groups. Section 16 of Independent India’s Constitution lays the foundation for equal employment opportunities, the relevant parts of which are outlined by Bekker (1992 : 65) below :

- there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state;
- no citizen shall on the grounds of religion, race, caste, sex, descent, place of birth, residence be ineligible for, or discriminated against in respect of any employment or office under the state; and,
- nothing in the article shall prevent the state from making any provisions for the reservation of appointments to posts in favour of any backward classes of citizens which, in the opinion of the state, is not adequately represented in the services under the state.

With reference to the above Naidoo (1995 : 131) observed that while on the one hand provision was made for **“non-discrimination on the basis of religion, race, caste, sex, descent, place of birth or residence”** on the other hand another clause was introduced stating that **“nothing should prevent the state from making special provision for the advancement of socially and educationally backward classes such as the scheduled castes and tribes”**. In other words, while certain clauses of the Constitution upheld equality and outlawed discrimination, others introduced qualifications. Weiner (1993 : 5) and Thompson (1992 : 36) highlighted the contradiction between these clauses. Weiner (1993 : 5) subsequently summarized the

status quo in India as one that provides “**equal opportunity for all, but special benefits for some**”. Sauerman (1996 : 42 - 43) notes that although the exact wording of these clauses differs from that of Section 9 of the South African Constitution, they serve the same purpose :

“... they provide that there is a right to equality, but that right should not exclude measures designed to advance certain sectors of society.”

He cautions, however, that it is the extent to which such measures have been permitted that has been the subject of judicial scrutiny in India and is, therefore, something that South Africa should be wary of when developing and implementing Affirmative Action/Employment Equity programmes.

An astute but cautious constitutional lawyer and renowned campaigner for the rights of the untouchables, an untouchable himself, Dr Ambedkar, was responsible for drawing up the Draft Bill related to Reservation for the SCs and STs. According to Professor Beteille (1993 : 5), Dr Ambedkar’s policies and recommendations were governed by his view that “**The provisions of special benefits for some should not eat up the provision of equal opportunity for all**”. In other words the aim of Affirmative Action should be that while it serves to create equal opportunity for all by making special provisions for some it must also ensure a delicate balance between the two . The question arose as to “**... who ought to be the beneficiaries, and what were to be the benefits**” (Weiner, 1993 : 5). The answer rightfully posited by Havanur (1992 : 107) is “**The lower castes which have been exploited, oppressed, suppressed and neglected by the higher castes for many generations cannot produce equal results without compensatory measures protecting them from discrimination.**”

Consequently, the need arose for the lower caste to be targetted as the primary beneficiaries of Reservation (Affirmative Action) policies. It was felt that if such

compensatory measures are not provided, then, given their disadvantaged beginning the lower castes would make little progress in the so-called equal society. It is more likely that they would revert once again to square one and be trapped in a vicious cycle for the rest of their lives.

This vast machinery of protective discrimination or positive discrimination (some of the many Indian synonyms for Affirmative Action) for the Scheduled Castes (SCs) and Scheduled Tribes (STs) was developed as early as the 1930s and 1940s under the British Colonial rule (Seenarine, 1996 : 4; Reddy, 1993 : 3). The Constitution of India originally provided for Reservation (another Indian synonym for Affirmative Action) in favour of two disadvantaged groups, the Scheduled Castes (SCs) and the Scheduled Tribes (STs) who were identified by the constitution as Backward Classes (BC) (Jauch, 1998 : 11)

The SCs are made up of untouchables who, according to the 1991 Census, comprise over 16 percent (138 million) of the Indian population (Seenarine, 1996 : 3). They are commonly clustered together in segregated hamlets at the edge of villages. They are a small and vulnerable minority in any given region, making resistance to exploitation and violence very difficult. According to the 1971 census over half of the SCs workforce were landless agricultural labourers compared to 26 percent in the case of non-Scheduled groups (Seenarine, 1996 : 3). Many are **“compelled into dehumanising jobs like manual scavenging and garbage picking and pushed by the gruelling cycle of generational poverty and landlessness and hunger into life-long indebtedness”** (Padayachee, 2001 : 1).

The Scheduled Tribes (STs) on the other hand made up 7,75 percent (66 million) of the population of India (Jauch, 1998 : 11). Historically they lived in isolated hills and forest areas, leading a simple lifestyle of low economic and technological standard (Jauch, 1998 : 11). Weiner (1993 : 5) contends that it was this isolation that contributed in part to their being disadvantaged. Presently the SCs and STs together comprise approximately 260 million (Social Study Circle, 2001 :

www.ambedkar.org/ssc/reservation/resevn.htm).

Jauch (1998 : 11) observed that the Scheduled Tribes and Scheduled Castes are widely accepted in Indian society as being the appropriate target groups for compensatory measures. This is clear from the action of the constituent assembly which, while rejecting the reservation of parliamentary seats for religious minorities, reserved seats for the Scheduled Castes and Scheduled Tribes in the national parliament and state legislatures. This constitutional provision was initially made for a period of ten years. It was later extended to 50 years in view of the belief that the Scheduled Castes and Scheduled Tribes were still in need of compensatory measures (Havanur, 1992 : 106-107). The literature, however, overwhelmingly reveals that one of the commonly agreed upon principles of Affirmative Action is that it should be temporary and flexible (Human, 1995 : 56). Thompson (1993 : 37) specifically highlights the fact that political considerations in India led to the contrary by making permanent of the temporary by increasing the period from ten years to fifty. Thakur (2000 : www.dawn.com/2000/02/18/int7.htm) cautions that as such group-based Affirmative Action programmes permeate public institutions of a country, they end up institutionalising the very divisions that they were meant to eradicate.

The Constitution subsequently made provision for special benefits for an additional group referred to as Other Backward Classes (OBC). Together with the SCs and STs they fell into the general category of Backward Classes. The inclusion of this third target group, the majority of whom formed the last tier of the upper class, as beneficiaries of Affirmative Action policies led to a great deal of controversy in India. In a country of such vast and widespread poverty it was beneficial to classify oneself as a member of the Backward Class in order to qualify for legislative relief linked to the Affirmative Action policy. Hence, the backward label soon became **“heavily prized”** in India (Thompson, 1993 : 37). This Indian dilemma which Thompson (1993 : 37) interprets as one that could be a lesson for South Africa, is described in the following manner :

“... with regard to the OBC India has embarked on a well meaning policy of seeking to achieve greater equality, but the road to success (if there is any) is blocked by a mountain of confusion as well as scarcity of resources. ... India’s strategies of protected discrimination must be ... formulated in the context of an ecologically sound form of sustainable development.”

He claims that India has painfully learnt that Reservations for a clearly defined, fairly limited number of potential beneficiaries are manageable with greater ease than **“a spray-can system of giving some form of preferential treatment to a large number of groups of people”** (Thompson, 1993 : 37). In India’s situation, it is clearly impossible to help all those who claim they are backward unless there is a clear definition of backwardness. The Indian policies on the OBC category ran into troubled waters. The unfulfilled promises turned **“dreams of benefits into nightmares of communal riots”** (Thompson, 1993 : 37).

Despite the constitutional proposals the government initially did not provide special benefits for Other Backward Classes (OBC), partly because so many communities described themselves as backward and partly because the educational and employment differences between the backward and so-called forward castes were not as clearly spelt out as was the case for Scheduled Tribes and Scheduled Castes (Weiner, 1993: 5). In 1980 a Presidential Commission, known as the Mandal Commission, after the name of its chairperson, issued a comprehensive report and a set of recommendations for national standards. Its central premise was that the mere prohibition of discrimination and a policy of equality of opportunity were insufficient to remedy the profound social effects of the caste system. It stated that :

“People who start their lives at a disadvantage rarely benefit significantly from equality of opportunity Equality of opportunity is also an asocial principle, because it ignores the many invisible and cumulative hindrances in the way of the disadvantaged.”

(Cunningham, 1999 : 2)

The Commission recommended that a percentage of new hires for Central Government jobs be reserved for OBC members under a quota system. Hence, in 1990 there was an about turn on the part of the government in that Reservations or quotas were introduced for Other Backward Classes (OBC) as well. This included preferential treatment in university admissions and university and government employment. The quota established for Other Backward Classes (OBC) was 27 percent of jobs in the Federal Public Sector. This was in addition to the 22 percent set aside for Scheduled Tribes and Scheduled Castes (Thakur, 2000 : www.dawn.com/2000/02/18/int7.htm).

According to many political observers this about turn was undertaken by the government to win greater electoral support. The consequence of this was that almost 50 percent of all government appointments were reserved for Backward Classes. There was now the threat of Dr Ambedkar's concern **“that the special provision for some would eat up equal opportunity for all was becoming a reality”** (Weiner, 1993 : 5).

Whilst there was broad acceptance of Affirmative Action (Positive Discrimination (PD)) being applied to Scheduled Castes and Scheduled Tribes there was tremendous opposition to its application to the Other Backward Classes (OBC) because it would be then extended to cover the majority of the population. It also raised fears among the privileged classes who felt that this new vastly increased percentage of Affirmative Action beneficiaries might soon lead to the abandonment of the principle of equal opportunity. What angered the population further was that they were aware that such benefits were extended to the OBCs for political gain.

Weiner (1993 : 6) maintains that in the Indian context, Affirmative Action is **“defined rigidly in terms of reservations or quotas”**. These Reservations exist in the state legislature and in the union legislature or parliament, in services under the states including Higher Education and in education in general. Such Reservations or quotas were described as low cost strategy, or rather the easy option for reducing disparities

between castes since little attention was focused on developing primary and secondary education systems, the deprivation of which was one of the root causes of the existing inequalities. This view is supported by Seenarine (1996 : 4) who recommended that **“Reservations coupled with other welfare programmes constitute the core of Affirmative Action”**. Jauch (1993 : 12) corroborates this viewpoint that while middle class children frequently attended expensive private schools, the quality of education in the government schools remained relatively poor. Hence, although there was an increase in basic literacy among the Backward Classes, the poor quality of schooling prevented most of them from competing successfully at higher levels thus limiting Employment Equity and upward mobility in institutions of Higher Education.

This was the consequence of low financial investment on mass education by the government that resulted in a relatively small pool of qualified people from the Scheduled Castes and Tribes. The number from this group that could have entered the universities as staff or students or obtained employment at other government institutions on an equal basis was therefore small. Nevertheless, India's Affirmative Action policies did contribute to a reduction of inequalities between castes by, for example, creating a new middle class from the ranks of the Backward Classes. This was to a large extent made possible by the introduction of Reservation rules in government employment and Higher Education institutions.

Recruitment of academic staff at institutions of Higher Education is based on Reservation rules set out in Government Orders (GOs) (Rao : www.indiapolicy.org/debate/Notes/jagadiswara.html). Within institutions, departmental rules and regulations and/or office memoranda are circulated based on recommendations of the GOs. The Reservation categories recognized are the physically handicapped, women, SCs, STs and OBCs. The SCs, STs and OBCs are further divided into four categories : A, B, C and D. These four categories are based on weighting in terms of degree of backwardness (disadvantage). According to the rules if a particular post was reserved for OBC-A category it could not be filled by a better SC candidate or a candidate from any other group for that matter.

Quotas in Central Government employment, legislative representation, education and numerous other areas were set down by statute (Kamath, 1991 : 3). This Reservation quota was mandatory in government institutions including institutions of Higher Education. The government later extended quotas to promotions as well. The mandated quotas for SCs were set at 15 percent, for the STs 7,5 percent and for the OBCs 27 percent (shikshanic.nic.in/cd50years/r/2Q/A2/2QA20901.htm). These percentages varied in different provinces according to various influencing factors within the respective provinces. However, it could not be changed below the government-mandated minimum (Raza, 2002 : personal interview).

Women in general and in Higher Education were disadvantaged; they fell into the lowest rung in the hierarchy of both upper and lower caste folk (Raza : personal interview). Dalit women, in particular were, further disadvantaged in that they were subjected to a triple oppression by way of class, caste and gender subordination. Seenarine (1996 : 2) succinctly described this in the following words :

“... females suffer from the interconnection of multiple oppressions of class, caste, gender and cultural oppression at all levels (household, village, district, state, national and global) by both men and women, from all castes and class.”

The Central Government planned to set aside 33⅓ percent of Reservation for women (Thakur, 2000 : www.dawn.com/2000/02/18/int7.htm). This existed only in theory and was rarely put into practice (Raza, 2002 : personal interview). This was frowned upon by the majority of the upper caste and, although discussions are still continuing, consensus has not been reached on it as yet. Many fear that the scheme would be hijacked by the **“bibi, beti, and bahu brigade”** i.e. the wives, daughters and daughters-in-law from the elite caste would be given preference over other deserving candidates (Thakur, 2000 : www.dawn.com/2000/02/18/int7.htm). There were yet others who opposed it on the basis that they wanted caste quotas included within the quotas for women. Dalits, on the other hand, have campaigned for the recognition of

Dalit women as a distinct social group rather than masking them under the general category of women. They wanted a separate distribution of Reservation facilities for Dalit women in education and in employment in general.

Other Reservation rules for the disadvantaged caste groups were :

- Relaxing general requirements for employment as academic staff in institutions of Higher Education for SCs, STs and OBCs because of the disadvantaged nature of their early education (Raza, 2002 : personal interview).
- Increased age limit for the lower caste groups regarding entry into the Higher Education workforce. Generally, such appointments were governed by a minimum age requirement. This Reservation rule took into consideration the fact that entry into educational institutions for the lower castes was often delayed because of a lack of resources for poorly endowed families to provide Higher Education for their children.
- Institutions of Higher Education and individual departments were required to keep a register (called roster in India) in which the following information, among others, was to be recorded : the number of various sub-categories of SC, ST and OBC candidates, the number appointed;, the percentage of posts filled in relation to the Reservation quota and the future plans for appointing candidates from these disadvantaged groups. Such registers were to be available for scrutiny by the Provincial Commissioner of Education or its representative in order to ascertain, *inter alia*, whether the process was transparent, what initiatives were undertaken and the progress achieved (Raza, 2002 : personal interview).
- A monitoring agency accountable to the Provincial Commissioner of Education and the SC/ST representative at the respective institutions was given authority, among other considerations, to scrutinize registers, procedures, raise objections, make suggestions, etc. (Raza, 2002 : personal interview).
- Every institution was required to establish an SC-ST committee to deal

with matters related to such castes (Raza, 2002 : personal interview). Further, all departmental committees at institutions of Higher Education were required to appoint a SC-ST representative to ensure that there was no discrimination against their caste members and to safeguard their interests in general.

- Advertisements of posts had to fulfill certain specific requirements. It had, for example, to stipulate the specific qualification requirements (which had to be reduced) for the specific sub-categories of SCs, STs and OBCs. If no suitable candidate was available first time round, the advertisement had to be repeated twice more (Raza, 2002 : personal interview).
- Appointments of individuals from the ST, SC and/or OBC groups onto National Planning Commissions were encouraged. This was rare as in the past planning for these disadvantaged groups had always been done by people from the upper castes who had little knowledge and experience of the actual problems of SCs and STs (Social Study Circle, 2001 : www.ambedkar.org/ssc/development/comp_outline.htm).
- The University Grants Committee (UGC) was established by an Act of Parliament in 1956 to contribute, *inter alia*, to the progress of Reservation policies by way of financial aid and/or incentives, grants, scholarships, etc., for both the institutions as well as SC and ST academic staff at such institutions (www.academics_india.com/main_frame.htm);
- The establishment of Employment Exchange Offices by the provincial government in order to facilitate and monitor the appointment of SCs and STs in institutions of Higher Education (www.dalits.org/). Newly qualified academics from the SC, ST and OBC groups were required to register with this office if they wished to avail themselves for a position in an institution of Higher Education. Certificates indicating the degree qualification, marks obtained and proof, that the applicant was from the Scheduled or Backward Class, were required. Each applicant was granted a number and when posts became available that matched the qualification of the applicant they were informed accordingly. Further, a

requirement by the government was that a special and separate list indicating progress in filling the reserved posts by the lower castes had to be drawn up. As a concession for the lower caste groups the fee required to register with the Employment Exchange Office was to be waived (Raza, 2002 : personal interview). Of importance was the fact that the Employment Exchange Office made available data on the percentage of posts for the lower castes that had been filled or were still vacant (www.dalits.org/). An analysis of such data would indicate whether progress was made or not.

- Abuse of academics from the SC, ST or OBC groups by their upper caste colleagues was to be punishable by law. Social friction between the upper and lower caste academics was a common feature. In fact according to Raza (2002 : personal interview) the low caste academics were referred to in a derogatory manner as **“quota people”**.
- Opportunities were to be made available to the lower castes to further their study and/or to study abroad. An example of such opportunity, among others, was the Dr Ambedkar Fellowships introduced by the Dr Ambedkar Foundation.

There has been an increase in educational access for Scheduled Castes and, to a lesser extent, for Scheduled Tribes as a result of the post-independence Affirmative Action educational programmes. Apart from Reservations in educational institutions other major programmes for their upliftment included exemption from school fees, provisions for stipends or scholarships, provision for book grant facilities and hostel maintenance and assistance to hostels for the previously disadvantaged students.

The Central Government sponsored college scholarships, awarded travel grants and a 7,5 percent Reservation in favour of previously disadvantaged students in merit scholarship. The programmes also provided for assistance by way of special coaching for such students residing in hostels as well as pre-examination coaching facilities for those students taking competitive examinations. Policies for low caste women focused on programmes like gifts of money for marriages in which one partner was an

untouchable, support for housing projects, legal machinery for law-suits against discriminative practices and so on.

In spite of the above the Scheduled Castes and Scheduled Tribes still remained among the poorest and least educated communities in India. In Higher Education as well progress was slow. STs and SCs occupied a mere 1,2 percent of the posts in the Social Sciences and 0,5 percent of the posts in the Sciences while the upper caste representation was 90 percent and 94 percent respectively (National Campaign on Dalit Human Rights, 1999 : www.dalits.org/). The Affirmative Action programmes did not bring about a major shift in redistribution of material resources as was envisaged. Whilst this might have been one of the objectives of the Indian government whatever programmes it had in mind were crippled by its very low economic growth rate, thus the much hoped for “... **rising tide that might have lifted the poor did not occur**” (Weiner, 1993 : 6). This was because the resources available for the expansion of education and other such services were limited.

Other factors responsible for the slow progress of Reservation in education in general and in Higher Education appointments, in particular, are :

- lack of interest, enthusiasm and the resistance by the upper caste, who held the majority of the academic posts, in disseminating knowledge and educating the lower castes. They often sought to neutralize the government's proposals by denying stipulated benefits to SCs and STs;
- discrimination of students in Higher Education by academicians - the teaching staff, other educationalists and the administrative staff. Apart from the discrimination against SC and ST committees it was also prevalent in the evaluation and grading of students and lecturers;
- limited financial support, scholarships, fellowships, freeships or their inadequate and untimely disbursements. Proponents claimed that opportunities to further study abroad available to Indian students, were often kept secret from SCs and STs. A case in point was the Dr

Ambedkar Overseas Fellowships for SC and ST students which “... **has been badly twisted beyond recognition by the Welfare Ministry ... [and] has been in cold storage for quite sometime**” (Social Study Circle, 2001 : www.ambedkar.org/ssc/reservation/resevn.htm). The University Grants Commission run by predominantly upper caste also colluded with the upper caste in suppressing Higher Education appointments for the SCs and STs;

- large loopholes and shortcomings in Reservation rules and the non-existence of any legislation to overcome this. This made it possible for even the smallest functionaries to subvert the Reservation philosophy and to evolve negative mechanisms to defeat both the purpose and operation of even specified Reservation rules;
- lack of efficient machinery to monitor or correct adverse and negative reactions and procedures, typical of the upper caste, and positions of authority in Higher Education. An Indian scientist, Dr Raza from the National Institute of Science, Technology and Development Studies, confirms this. He maintains that monitoring and evaluation agencies have been inadequate and ineffective over the years and that only in the last five years there has been some progress (Raza, 2002 : personal interview);
- restricted or no involvement of SC and ST leaders and intellectuals in the planning and preparing programmes for SCs and STs even at grass root levels;
- limited number of academics appointed from the SCs and STs that made it well nigh impossible to have a representative in all committees at institutions of Higher Education. A critical mass of SCs and STs was lacking (Raza, 2002 : personal interview);
- lack of will by the authorities to uplift women in general, more particularly those from SCs and STs. This was further compounded by the fact that SC and ST women were alienated thrice over on the basis of their class, caste and gender;

- unacknowledged Reservation policy for upper castes, particularly the *Brahmins* in Higher Education, appropriately termed “Brahminocracy” (National Campaign on Dalit Human Rights, 1999 : www.dalits.org/);
- ruling elite in control of appointments deliberately did not fill the Reservation quotas set aside for SCs and STs. According to the National Commission of Scheduled Castes and Scheduled Tribes Report in 1993, of the total SC and ST Reservation quota in the Central Government, 54 percent remained unfilled and in the Public sector 88 percent remained unfilled thus depriving the disadvantaged the opportunity of occupying these posts. At the state level in Andhra Pradesh, for example, 37 649 Reserved posts were not filled in 1986 although a staggering 260 000 SC and ST candidates had registered with the respective Employment Exchange Office (National Campaign on Dalit Human Rights, 1999 : www.dalits.org/);
- reservation quotas not mandatory at private institutions of Higher Education and such institutions were, therefore, not obliged to appoint academics from the SC and ST groups;
- ownership and control of the majority of material resources remained almost totally in the hands of certain higher caste communities who opposed any attempt by the lower castes to become economically or educationally empowered. For example, in September 1988, in a village in the state of Karnataka the powerful upper caste Hindus located a prosperous *Dalit* (untouchable) household, beat up the son and raped the daughter in front of Dr Ambedkar’s statue. The reason cited in an Indian newspaper was that the “... **uppercaste Hindus do not tolerate the prosperity of Dalits**” (Seenarine, 1996 : 6);
- reservation in education was limited up to the graduate level, especially in professional institutions. This made it difficult for SCs and STs to pursue Higher Education studies, which was essential for obtaining Higher Education positions as well as positions anywhere in the country (S o c i a l S t u d y C i r c l e , 2 0 0 1 : ,

www.ambedkar.org/ssc/development/comp_outline.htm); and,

- Reservation rules circulated by GOs and departments of institutions and office memoranda were easily flouted and conveniently changed (Raza, 2002 : personal interview). What India lacks is an official enactment of a Reservation law.

Seenarine (1996 : 4) also attributed the slow improvement in the socio-economic status of untouchables to corruption and nepotism, e.g., the poor received less than ten percent of the actual funding allocated to them. Corruption and nepotism in educational institutions led to SC and ST academics being sidelined (Social Study Circle, 2001 : www.ambedkar.org/ssc/development/comp_outline.htm). Also there was often cheating and misrepresentation in the use of the facility of Reservation (Affirmative Action). Jauch (1998 : 13), therefore, makes the declaration that, since Affirmative Action neglected to challenge the structures which caused fundamental economic and educational inequalities, the policy did not result in large enough improvement of the status and conditions of Backward Classes. Generally only certain members of the scheduled groups benefitted namely, those who were better educated, because they were able to capitalize on the opportunities created by the Reservation system (Affirmative Action). The majority of the untouchables, however, remained as labourers or subsistence farmers and were far removed from developing academic excellence (Beteille, 1993 : 11-14).

As a means of redressing caste inequalities, Affirmative Action was relatively successful but as a redressor of the economic standing of the impoverished majority it was not as successful as anticipated. The lack of comprehensiveness of the Affirmative Action policy and the lack of necessary resources required for the fulfilment of such a policy are limitations that need to be recognized and addressed. Jauch (1998: 13) cautions that the process of administering Affirmative Action and Employment Equity and the specific circumstances under which they were implemented **“might reduce inequalities in one area without affecting inequalities in another”**.

4.7.1 Summation

While the *de jure* position in terms of the Constitution of India prohibited the caste system the *de facto* social pattern of behaviour tended to perpetuate it. This created enormous inequalities among the people over the years.

In an attempt to transform the society into a more egalitarian one the policy of Reservation (Affirmative Action) was introduced. The two historically disadvantaged groups, the STs and the SCs were initially targetted as the main beneficiaries. Later, it targetted a third group referred to as the OBC who formed the fourth and last tier of the upper caste. In all instances Affirmative Action was initiated as an interim measure but soon assumed a degree of permanence contrary to the principles sounded out in the literature.

Due to the lack of clear definition of what constituted backwardness and the fear of overwhelmingly large numbers classifying themselves as such, out of convenience, merely to take advantage of the privileges, the idea was initially rejected. However, in order to satisfy their political agendas, the government, on the recommendation of the Mandal Commission, included them as the third set of beneficiaries in 1990, much to the resentment of the Indian community. This meant that Affirmative Action programmes were now required to cater for a larger percentage of the population against the background of limited resources to do so. Hence, the reason for its slow progress in certain areas.

Affirmative Action in the Indian context is defined rigidly in terms of Reservations or quotas. This was described by critics as a low cost, quick fix or an easy option for reducing the disparities among castes since it did not deal with eliminating the root causes of the existing inequalities, which, *inter alia*, was lack of adequate education and educational facilities, resources, etc. The following were some of the Reservation rules for employment in Higher Education :

- lowering Higher Education employment requirements for SCs and

STs;

- increasing the age limit for appointments;
- keeping a register of details related to SC and ST employment;
- establishing ST and SC committees;
- appointing ST and SC representatives on committees;
- establishing monitoring agencies;
- identifying special requirements in advertisements for posts;
- obtaining assistance from UGC;
- establishing Employment Exchange Offices; and,
- offering opportunities for SCs and STs to further their qualifications.

Whilst some progress was noted the SCs and the STs still remained among the poorest communities in India and the least represented in Higher Education institutions. This was mainly because there were limited resources for expansion of education and other services. The low economic growth was also a contributing factor. A further obstacle was that the ownership of material resources remained in the hands of the higher caste who were reluctant to empower the low caste. Corruption, cheating, nepotism, misrepresentation in the implementation of the facility of Affirmative Action and skewed allocation of funds affected progress. This also contributed to the slow progress in uplifting the socio-economic status of female untouchables. Other factors included :

- resistance, negativity and lack of commitment by the advantaged upper caste in improving the educational ability of the SCs and STs;
- discrimination against SC and ST students and lecturers by upper caste academics in power;
- limited opportunity for and prejudices against improvement of qualifications of SCs and STs;
- absence of enacted Reservation laws;
- inadequate monitoring and evaluation of Reservation

- programmes;
- restricted involvement of SCs and STs in Reservation programmes designed for them;
 - triple oppression experienced by low caste women;
 - deliberate attempts by those in power not to fill Reservation quotas; and,
 - lack of Reservation quotas at private institutions.

Affirmative Action as a means of addressing class inequalities was relatively successful. However, as a redressor of the economic and educational standing of the impoverished majority it was not as successful as anticipated.

4.7.2 Implications of Affirmative Action in India for South Africa

An important and all embracing lesson for South Africa from the Indian experience is epitomized in the following central premise of the Mandal Commission referred to by Cunningham (1999 : 2):

“People who start their lives at a disadvantage rarely benefit significantly from equality of opportunity ... Equality of opportunity is also an asocial principle, because it ignores the many invisible and cumulative hindrances in the way of the disadvantaged.”

This message for Higher Education in South Africa is that, given the disadvantaged background of people of colour in the country and the various hidden and visible barriers, something more profound than the “... **asocial principle....**” of equality of opportunity is required, viz., Equity or fairness which is discussed in Chapter Two. It also makes imperative the principle of providing other enabling conditions through Affirmative Action and Employment Equity programmes for the previously disadvantaged if Equity or substantive equality is to be achieved.

Another lesson for South Africa from the Indian experience is crystallized eloquently in the words of Dr Ambedkar who cautioned that “... **The provisions for special benefits for some should not eat up the provision of equality of opportunity for all**” (Weiner, 1993 : 5). The nub of this proposal is that, while Affirmative Action serves to create equal opportunity for all by providing special provisions for some it must also ensure a delicate balance between the two principles. This is a daunting task which South African implementors of Affirmative Action and Employment Equity in institutions of Higher Education should focus on seriously. The dilemma of providing equal employment opportunities for those from the designated groups without promoting a system of new inequalities will be crucial for Higher Education managers in South Africa.

In India, as in South Africa, ownership and control of most resources are in the hands of the previously advantaged (upper caste Hindus in India, Whites in South Africa). These upper caste Hindus were opposed to any attempt by the previously disadvantaged to advance themselves or to become empowered. The authorities responsible for administering Affirmative Action and Employment Equity in South African institutions of Higher Education should guard against such a situation. Good relations with the previously advantaged Whites, the majority of whom have the necessary academic background, expertise, resources, etc., should be harnessed to empower and advance the previously disadvantaged academics of colour and women. Hence, they should be encouraged to buy into such programmes and, among other considerations, be involved in the designing and implementing of these programmes in order to prevent the backlash that prevailed in certain quarters in India.

Affirmative Action in the Indian context is defined rigidly in terms of Reservations or quotas. This is frowned upon by international proponents of Affirmative Action who recommend a flexible goals and timetable approach. The critics describe quotas as low cost, or quick-fix methods for reducing the disparities

among the people. This strategy was not totally successful. Their main point of contention was that it did not deal with eliminating the root causes of the existing inequalities. For example, as long as the upper caste Hindu academics remained at the helm of Higher Education institutions progress in Employment Equity for the lower caste groups will be slow. What India failed to develop was efficient machinery to monitor and correct the negative reactions and practices of the upper caste academics in positions of authority in Higher Education which was one of the root causes of inequalities. South African institutions of Higher Education should, therefore, be aware that eliminating root causes of inequality is important and that merely fast tracking appointments of members from the designated groups, as a quick-fix method, either to meet hidden quotas or to appear politically correct, is not the solution.

For Affirmative Action to be successful in South Africa institutions of Higher Education should, firstly, focus more on flexible goals and timetables rather than on quotas, given the negative history of its consequences. Secondly, the implementation of Affirmative Action/Employment Equity should be concurrent with broader upliftment or capacity building programmes for the previously disadvantaged who were denied sound educational background under the apartheid regime of the past. In this regard Thompson (1993 : 37) claims that implementing Affirmative Action in the absence of **“an ecologically sound form of sustainable development”** created a dilemma for Indian implementors. Higher Education institutions in South Africa should be wary of this. This suggestion/lesson also emerges from Seenarine’s (1996 : 4) proposition that **“Reservation [Affirmative Action] coupled with welfare programmes constitute the core of Affirmative Action.”** By implication the message for Higher Education implementors in South Africa is that the diversity in academic staff arising from Affirmative Action and Employment Equity policies at their respective institutions requires to be managed effectively if there is to be progress in the future. This means that implementors of Affirmative Action and Employment Equity programmes in Higher Education institutions in South Africa

must ensure that adequate support services are provided for beneficiaries of Affirmative Action and Employment Equity so that they can function effectively, efficiently and confidently in their respective positions of responsibility at their institutions.

Another implication that institutions of Higher Education should take cognisance of is corruption, cheating, nepotism, tribalism, misrepresentation of the facility of Reservation (Affirmative Action) and skewed allocation of funds that India experienced. This indeed was a major obstacle in the progress of Affirmative Action policies in India and is something that Higher Education institutions in South Africa need to guard against. A message for South Africa in this regard is that the skewed allocation of funds and resources which favoured HWIs in the past must be rectified with a view to 'levelling the playing fields'. India's experience has proven that, without such resources, any attempt at Affirmative Action and Employment Equity is doomed to failure. The probability of corruption, nepotism, etc., being associated with Affirmative Action and Employment Equity practices should alert Higher Education managers to institute ongoing evaluation and supervision of all Affirmative Action and Employment Equity practices and procedures at their respective institutions. It is also imperative for those entrusted with the task of implementing Affirmative Action and Employment Equity to be accountable to some higher authority or office at the respective institutions so that any devious practice could be nipped in the bud.

Government and ruling party political interferences with Affirmative Action also contributed to its resentment against it in India. South African Higher Education institutions should guard against falling victim to them. Political interference has serious implications for Higher Education in that the candidates proposed by the ruling party may not be the most suitable from among the designated group.

India has painfully learnt that Affirmative Action for a clearly defined, fairly

limited number of potential beneficiaries is manageable with greater ease than **“a spray can system of giving some form of preferential treatment to a large number of groups of people”** (Thompson, 1993: 37) which often leads to unfulfilled promises as was the case in India which turned **“dreams of benefits into nightmares of communal riots”** (Thompson, 1993 : 39). South African institutions of Higher Education need to take cognisance of this and, given the limited resources available, refrain from biting off more than they could chew if Affirmative Action and Employment Equity are to succeed.

In order to promote the disadvantaged, sponsorships, scholarships, travel grants, coaching and monetary support among other things are awarded by the Indian government via Affirmative Action and Employment Equity programmes. The government in South Africa should note the merit of this and make contributions, in whatever way possible, to enhance the progress of the previously disadvantaged academics rather than simplistically and unwisely calling for rigid quotas. The principle of making such awards or grants could serve a very useful purpose in developing the capacity and qualifications of those previously disadvantaged academics who could serve as role models for future applicants from the designated group.

Ideally Affirmative Action should be a temporary or an interim measure until the ‘playing fields are levelled’. In India the extension of this period from ten to fifty years has indeed given it a degree of permanency. The danger of this is that as group-based Affirmative Action and Employment Equity programmes permeate public institutions of a country, they end up institutionalizing the very divisions that they were meant to eradicate (Thakur, 2000 : www.dawn.com/2000/02/18/int7.htm). The implication, for South Africa is that there should be an ongoing review of the progress and decisions regarding its time scale so that anomalies could be rectified timeously.

The lack of a concise definition of who comprised the Backward Classes

(previously disadvantaged) in the Indian context was a stumbling block to the effective implementation of Employment Equity and Affirmative Action. Worthy of note is the fact that India later divided the SCs, STs and OBCs into four sub-categories according to degrees of disadvantage. South Africa, therefore, need to consider this and develop a clear and unambiguous definition of who comprises the previously disadvantaged (designated group) to ensure that Affirmative Action and Employment Equity programmes target the appropriate population, lest it suffers the same fate as in India.

It was found that institutionalized bias and the denial of access to education were major factors in the perpetuation of discrimination against the lower caste groups in India. These are traits that Higher Education institutions in South Africa especially HWIs, which supported the policy of racial segregation in the past, must rid themselves of, if Affirmative Action and Employment Equity programmes are to succeed.

The fears of the previously privileged groups, such as the 'innocent White males' in South Africa, must be addressed at institutions of Higher Education. Such fears among the privileged classes in India led to their playing a miniscule role in bringing about Employment Equity among the lower castes and often blocked progress. In this regard Seenarine (1996 : 6) categorically states that **"... uppercaste Hindus do not tolerate the prosperity of the Dalits"**.

Another stumbling block to the success of Affirmative Action and Employment Equity in India was that the programme neglected to challenge the structures which were responsible for the fundamental inequalities. This has relevance for Higher Education institutions in South Africa more so, since the institutional structures of HWIs in particular and to a lesser extent HBIs, were to a large extent based on the apartheid ideology of the past. Therefore, it is imperative that those structures which hinder the progress of Affirmative Action and Employment Equity initiatives are identified and removed. If these structures are not challenged it would be tantamount to merely assimilating Blacks into the

White culture of the HWIs with its apartheid influence, social and academic practices.

A factor which was clearly evident in India as being responsible for inhibiting progress in Employment Equity for the disadvantaged was the lack of commitment among those who held positions of power in Higher Education. This highlights the need for a strong commitment and belief in the Affirmative Action/Employment Equity programme by those in positions of power, especially those in executive positions.

Although, in theory, systems were in place for monitoring the progress of Affirmative Action in India until very recently it was inefficient and ineffective largely because the monitors of Affirmative Action/Employment Equity programmes did not sincerely subscribe to them and, therefore, were not passionate about their success. South African authorities must take cognisance of this and ensure that committed individuals who are accountable to some higher authority, are entrusted with the task of implementing Affirmative Action/Employment Equity programmes.

Maintaining a set of records related to initiatives, plans, etc., in administering Affirmative Action/Employment Equity programmes in India was an essential requirement to assess progress. Unfortunately, they were not well maintained. In order to ensure transparency and eliminate any fear of overt or covert discrimination South African institutions of Higher Education should maintain and make available such records to both internal and external monitoring agencies for them to effectively evaluate Affirmative Action/Employment Equity programmes.

India introduced and advertised special concessions for academics from the disadvantaged groups to attract them to apply for posts at institutions of Higher Education. South Africa, too, should introduce such special measures to attract the best candidates from the designated group to avail themselves for posts in

Higher Education.

Government organizations and committees such as the University Grants Committee in India should be established in South Africa to empower and develop the capacities of academics from the designated group. If such organizations are state driven they can serve all institutions of Higher Education equitably and with greater authority than autonomous committees set up by the respective Higher Education institutions for itself and its staff.

Exchange Offices in India serve as a centrally based data bank, office or directory providing information on available qualified candidates from the designated group ranging from lecturers to executive managers. Such a data bank should be established in South Africa to supply Higher Education Institutions with an available pool of adequately qualified academics from the designated group.

Because of the inadequate number of academics from the disadvantaged group available to represent them in decision-making committees in Higher Education institutions in India it further disadvantaged them because they had no representatives to promote their welfare. Institutions of Higher Education in South Africa should, therefore, be mindful of this and make concerted efforts to ensure the appointment of adequate number of academics from the disadvantaged group to serve on decision-making committees.

In India the triple oppression (caste, class and gender subordination) experienced by low caste women hindered their progress in education. South African institutions of Higher Education should be alert to this and make every effort to eradicate institutional and systemic barriers that hinder progress of women. Special consideration should, therefore, be given to women in general and Black women, in particular, who experienced a double oppression (race and gender) in the past.

In the recent past India involved academics from the disadvantaged groups (who were previously omitted) on commissions and planning programmes. Such a move, in addition to having the advantage of employing people onto the committee who had vast experience and knowledge of the disadvantaged groups, also served to empower these members.

It must be remembered that for Affirmative Action and Employment Equity to succeed economic growth and development are vital. For example, the low economic growth rate in India had a crippling effect on the progress of Affirmative Action policies there while in Malaysia a positive economic growth rate had the opposite effect inspite of their problems. For Affirmative Action to progress in South Africa an all out attempt must be made by all stakeholders to ensure a positive economic growth rate.

Having reviewed Affirmative Action and Employment Equity policies in the aforementioned six countries and their implications for South Africa, this chapter concludes with a discussion of the general principles of Affirmative Action/Employment Equity that emerged from the above. In this discussion some reference will also be made to other countries to substantiate these implications. This will obviously have a bearing on the South African scenario.

4.8 CONCLUSION

In this chapter a historico-comparative study of Affirmative Action (AA) and Employment Equity (EE) policies and procedures in developed countries (USA, Australia, Canada) and developing countries (India, Zimbabwe, Namibia) as well as their implications for Higher Education in South Africa was undertaken. This was done so that emerging South African policies and programmes in Higher Education can be understood in the light of the relevant international experience and critique. There was clear evidence, in this review, that a measure of difference in the implementation and progress of Affirmative Action/Employment Equity policies between developed and developing

countries and between economically rich and economically poor countries exist.

The review revealed that Affirmative Action/Employment Equity programmes undertaken in the respective countries varied, ranging from rigid quotas to a more nuanced range of policies. It also emerged from the aforementioned study, that, while the underlying principles of Affirmative Action/Employment Equity are noble, there appears to be no single method of implementing one policy successfully for all. This became evident in the respective countries where the different political, economic and social circumstances required different methods of implementation.

It is also clear from the review that all the AA/EE programmes focus on the common principle of uplifting or improving the plight of disadvantaged communities. These communities usually belonged to racial, ethnic, caste or gender groups which were previously disadvantaged in some way or the other.

In general two different types of Affirmative Action policies emerged from the review. The first type matches the concept introduced by Weiner (1993 : 11), i.e., “**Affirmative Action for expanding opportunities**” which required the introduction of as many strategies conceivable to eliminate discrimination of whatever nature. One example is the elimination of job requirements that are not job related and which generally impact negatively on the previously disadvantaged.

Another involves race, ethnic or gender conscious policies intended to expand the pool of qualified individuals from among the previously disadvantaged. In Higher Education this usually took the form of increasing opportunities for the previously disadvantaged to obtain higher and more specialized education and training so that they can qualify for or obtain a greater proportion of faculty and administrative positions. Among other considerations this usually took the form of :

- training programmes to upgrade skills;
- special bridging programmes

- teaching assistantships;
- financial aids or grants;
- research incentives;
- staff exchanges;
- mentoring programmes;
- women in decision-making programmes;
- coaching;
- scholarships; and,
- training in academic fields in which the disadvantaged were previously underrepresented.

The second type is termed by Weiner (1993 : 11) as “**result-orientated policies.**” It may be described as Affirmative Action for fixed outcomes based upon set quotas. Such policies aimed at ensuring the distribution of education, employment, income and wealth among individuals in proportion to the percentage of each ethnic, race or gender group in the country.

According to this model quotas are set and Affirmative Action is not regarded as being successful unless proportional representation is achieved in every endeavour. In almost all the countries reviewed the quota route led to tremendous controversy and suspicion. Experience in these countries revealed that such rigid and inflexible quotas and the consequent token, forced or compulsory, appointments associated with it, generally achieved little. In the haste to fill quotas standards were often lowered and the special benefits for some threatened to consume the provision of equality for all.

Notable in the review is the impact of Affirmative Action preferences on group identities and in the way people intentionally organized themselves in order to qualify as beneficiaries, once quotas or preferences were established. Such systems of preferences appeared to strengthen identities on the basis of race, religion, language, gender and caste and often led to polarization.

Another commonly observed phenomenon is that broadly targetted Affirmative Action

policies often tended to favour already privileged sections of the community such as middle class citizens. Whilst this suited Higher Education applicants from the disadvantaged communities it led to the neglect of the lower socio-economic groups who were generally in the majority, who needed it more and who found it difficult to benefit from such policies primarily because they were already at a disadvantage. As a counter to this criticism it must be noted that the focus on Affirmative Action in employment in no way implies that it was or should be the only strategy to achieve equality. Other strategies are also necessary. Therefore while Affirmative Action cannot benefit all those who have suffered social deprivation, it remains, nevertheless useful to those who are minimally qualified to cope with the deficits in prospects attributed to such deprivation. It must also be noted that the eradication of overall inequality and poverty should be an ordinary permanent feature of a responsible government and, therefore, should not be placed solely at the 'feet' of Affirmative Action.

One of the negative aspects of Affirmative Action that emerged was the resultant conflicts among the beneficiaries themselves. This occurred when one group believed that the others were more successful at gaining benefits for themselves than they were. This has implications for Higher Education Institutions in South Africa, in view of the fact that the designated groups as defined by the Equity Bill, No. 55 of 1998 includes three race groups, women and the disabled. Further the African race category in particular is divided into a wide range of ethnic language groups. Also since different ethnic groups are aligned to different political parties it becomes a crucial matter for consideration. One of the probable solutions to this is to give consideration to the predominant (majority) ethnic language group in the respective regions when establishing Affirmative Action/Employment Equity targets.

Another negative aspect of Affirmative Action, revealed by the literature review, is that poorly constituted Affirmative Action and Employment Equity Programmes based on racial or ethnic identity can result in violent race and class conflicts. It was found that those who were continually subjected to dominance and whose interests and goals were ignored or neglected resorted to extreme and often violent measures to remove

power from the dominant group. To prevent such consequences caution must be taken when introducing Affirmative Action/Employment Equity programmes not to allow the special benefits for some to threaten provision of equality for all.

In most cases the focus of Affirmative Action policies was to eliminate disabilities without attempting to develop abilities among the previously disadvantaged. This was, for example, evident in filling positions with people of the appropriate colour, gender or language without consideration being given to enabling them (the Affirmative Action beneficiaries) to develop the required skills to perform satisfactorily in their respective posts. Apart from some attempts made in developed countries in-house training, mentoring, bridging and capacity building programmes are conspicuous by their absence in developing countries. This sends a strong message to Higher Education employers in South Africa to ensure that capacity building programmes go hand in hand with Affirmative Action/Employment Equity programmes.

It also became apparent that the success of Affirmative Action programmes went hand in hand with an increase in economic growth. The success of Affirmative Action in Malaysia may be attributed to a large extent to its rapid economic growth while partial success of Affirmative Action in Namibia and Zimbabwe can be attributed to the downward turn in their economic development. This calls for an all out attempt by the government to improve the economy of the country.

What also became evident is the catastrophe caused by the implementation of Affirmative Action for personal or political gain and not for humanitarian or human rights ends. For example, blatantly favouring candidates from the ruling political party over others under the guise of Affirmative Action has frequently led to the **“... deterioration of a policy designed to overcome inequality into an instrument of discrimination”** (Jauch, 1998 : 6). The decision by the Indian government to expand Affirmative Action to include the Other Backward Classes (OBC), a political strategy to create a wider political base, also led to disastrous consequences such as rioting, etc. Political interference in the appointment of so called Affirmative Action beneficiaries in

Zimbabwe and in India, among other countries, had a negative impact on its success. Inherent in the above is an important lesson for Higher Education institutions in South Africa which are multi-ethnic, multi-cultural and multi-racial in that they should guard against any political interference in their Affirmative Action/Employment Equity programmes.

In those countries, where Affirmative Action was associated with blatant favouritism for one group over the other, it led to feelings of resentment by the group that was disadvantaged as a result of the policy. This is not foreign to South African academics of colour who worked under the apartheid regime of the past. Institutions of Higher Education should be wary of entertaining such practices. It will not augur well for a country like South Africa which prides itself on the democratic principles embodied in the Constitution and the Bill of Rights. Further, resentment by the previously advantaged Whites in South Africa as was the case with the privileged castes in India can be an obstacle to the progress of Affirmative Action and Employment Equity policies in many ways. Higher Education institutions should, therefore, strive to include both the disadvantaged and advantaged in the designing and implementation of Affirmative Action/Employment Equity programmes. Further, the expertise of the previously advantaged Whites should be harnessed and used in the successful implementation of Affirmative Action and Employment Equity programmes.

It also emerged from the reactions and responses that the ethnic or racial conflicts arising from antagonism towards the preferential treatment associated with Affirmative Action could have been avoided or tempered if implementation was done through a consensual process between proponents and opponents. Such a process would probably have led to a consensus on appropriate and acceptable measures for one group without incurring too great a loss upon the other.

The degree of success of Affirmative Action policies appear to be far greater in those countries where it was legislated and where its administration guidelines, monitoring mechanisms, penalty systems for non-conformity and reward systems for conformity, were in place. To understand and appreciate this one merely needs to look at

Zimbabwe and India where Affirmative Action was not formally legislated for all and the USA, Australia, and Canada where it was. Also where the government-established monitoring agencies existed there was great success. It must be noted, however, that whilst legislating Affirmative Action and/or Employment Equity on the one hand is laudable since it compels institutions to conform, experiences in some of the countries reviewed revealed that it can lead to entrenchment of the privileges emanating from it. Therefore, it is clearly evident that including in the legislation that Affirmative Action and/or Employment Equity will be a temporary or interim measure and that the legislation related to this aspect will be reviewed from time to time is important for its success. This proposition is also advanced categorically by the plethora of research on the subject.

Affirmative Action policies for women were more prevalent and vigorously pursued in the developed countries such as the USA, Australia and Canada. In most of the other countries reviewed, policies for affirmative advancement of women were often not given priority. In fact, in some countries women were not considered at all in any Affirmative Action plan. There were yet other countries where probably because of pressure from certain quarters, women were included in their Affirmative Action plans. Unfortunately, there is little or no evidence to back this claim. This calls for more stringent enforcement of Affirmative Action and Employment Equity for women.

Affirmative Action programmes are always described as temporary expedients in the literature yet in some countries they tend to persist and proliferate. In India, for example, they were meant to have ended after fifteen years in 1965 but they have not. The danger of this is that as such group-based programmes permeate the public institutions of a country, they end up institutionalizing the very division that they were meant to eradicate.

Having reviewed the Affirmative Action/Employment Equity policies and procedures in the aforementioned six countries and having noted their experiences, the researcher concurs with the declaration of Weiner (1993 : 14) when he says :



“I know of no country that has yet satisfactorily resolved the disparities among the racial or ethnic groups - or among genders - nor have any multi-ethnic societies really resolved the issue of conflict.”

However, given the success of Affirmative Action policies and noting the following statement from writers in India, the world's largest Affirmative Action laboratory, others need not despair :

“Reservations [Affirmative Action] for long have been recognized as a reliable mechanism to help weaker sections of the Society anywhere in the World. And there is no better model, to uplift the Backward, the Helpless, the Marginalised and Neglected Communities.”

(S o c i a l S t u d y C i r c l e , 2 0 0 1 :
www.ambedkar.org/ssc/reservation/resevn.htm)

It was clearly evident in the review that, for Affirmative Action/Employment Equity to succeed it requires a great degree of commitment. Such commitment is necessary within institutions that adopt their own Affirmative Action/Employment Equity programmes and within governments that make Affirmative Action/Employment Equity part of their national policy.

Finally, in view of the fact that the underlying principle of Affirmative Action, viz., equality in employment for the previously disadvantaged, continues to be supported is indicative of the fact that many countries will still continue with its implementation **“albeit in a substantially altered form or even under a different name”** (Rai and Critzer, 2000 : 145). In rare instances did it prove to be a total failure, although for some countries it will be ‘a long and winding road’.

The next chapter focuses on Affirmative Action and Employment Equity as they are perceived in the South African context. In this chapter the researcher will review the background and the *status quo* of Affirmative Action and Employment Equity policies with particular reference to Higher Education institutions in the country.

CHAPTER 5

A HISTORICO-COMPARATIVE STUDY OF AFFIRMATIVE ACTION AND EMPLOYMENT EQUITY IN SOUTH AFRICA

5.1 INTRODUCTION

A historico-comparative study of Affirmative Action and Employment Equity in South Africa is important for a number of reasons. Firstly, it draws attention to the history of the country highlighting the fact that the present-day South Africa is deeply rooted in historical **“myths and misrepresentations, divisions and conflict”** (Hartshorne, 1992: 20-21). Secondly, an historical perspective will offer explanations and provide background information against which perceptions and attitudes of the different racial groups towards Affirmative Action and Employment Equity in the country emerged. This would contribute to a deeper understanding and appreciation of them. Thirdly, and more specifically, it will contribute to a better understanding of the need for and relevance of Affirmative Action and Employment Equity particularly in Higher Education in the country. Fourthly, it would serve as a catalyst for the introduction and type of Affirmative Action and Employment Equity policies that will contribute towards successful transformation of Higher Education in South Africa. Fifthly, it will highlight the unique challenges and/or constraints faced by Higher Education institutions in South Africa in their attempts to implement Affirmative Action/Employment Equity programmes.

5.2 APARTHEID HIGHER EDUCATION LEGACY

Prior to the historically significant free election of 27th April 1994 which ushered in democratic South Africa, the educational system upheld the ideology of apartheid. The characteristics and intended objective of this system are aptly crystallized by the following statement made in the House of Assembly in 1945 :

“We should not give the natives [Blacks] an academic education, as some people are prone to do. If we do this we shall be later burdened with a number of academically trained Europeans and non-Europeans, and who is going to do the manual labour in the country? ... I am in thorough agreement with the view that we should so conduct our schools that the native who attends those schools will know that to a great extent he must be the labourer in the country.”

(Kumbula, 1993 : 14)

Education was, therefore, the institutional mechanism of oppression driven and secured by apartheid regime to suppress the Black majority educationally, economically, politically and socially. Student enrollment statistics, Higher Education staff composition as well as the allocation of resources over the years reveal that this mechanism, through its carefully planned penetration into the respective cultures, enabled the apartheid authorities to establish a society based on segregation and discrimination. The 1905 School Board's Act set the mechanism in motion when it provided state schools for White pupils only (Kumbula, 1993 : 14-18). **“This gave Whites the head start that characterize their present social, economic, political and educational position to this day”** (Lindsay, 1997 : 523). It was only in 1976, following the Soweto riots, did school attendance become compulsory for African (Black) children. Once set in motion, the apartheid mechanism of oppression was maintained. African educational institutions were e.g., allocated the least resources, insofar as staffing, level of training, textbooks, equipment, etc., were concerned.

A brief history of Higher Education in South Africa (universities and technikons) is necessary at this point to provide a historical appreciation of the categories of types and sub-types of such institutions. It will also provide an understanding of some of the socio-historical forces which shaped this clustering of institutions into their respective types and sub-types. Such knowledge will invariably provide a useful background

against which staffing trends, Equity efforts, as well as challenges and constraints, unique to the respective institutions, can be interpreted.

Prior to 1916, the University of the Cape of Good Hope (UCGH), which was established according to the British model in 1873, was the only university in South Africa. At the time it served as the examining and degree-granting institution for all the university colleges in the country. The university colleges that it serviced in the Cape were the South African College, Victoria College of Stellenbosch and Rhodes University College. In Natal there was Howard College, while in Bloemfontein and Pretoria there was Grey College and the Transvaal University College, respectively. These university colleges were for White students only and staffed exclusively by Whites. The UCGH remained the only South African full university until the end of World War I and English was the only language of UCGH examinations (Cooper and Subotsky, 2001 : 5-6). It was subsequently replaced in name and functions by the University of South Africa (UNISA).

With the introduction of the University Act of 1916, the University of Cape Town (UCT), the University of Stellenbosch and UNISA were initially recognized and granted full university status. This was followed, in 1922, by the establishment of the University of The Witwatersrand (WITS) and in 1930 by the University of Pretoria (UP). Subsequent to World War II other university colleges received full university status. They were : University of Natal in 1949, the University of Orange Free State in 1950 and Potchefstroom University in 1951. This was followed by the dual medium University of Port Elizabeth (UPE) in the Eastern Cape in 1964 and Rand Afrikaans University (RAU) in Johannesburg in 1966. Thus, the new South Africa has inherited a legacy of 10 Historically White Universities (HWUs) and a Distance Education University (DEU) called UNISA.

The scenario in Higher Education institutions, therefore, hardly differed from that of primary and secondary education. It is clear from the aforementioned that segregation within the South African Higher education system preceded the Nationalist Party

coming into power in 1948. Apartheid ideology provided the framework for structuring of the Higher Education system from 1948 onwards when formal apartheid policy was introduced by the Nationalist Government. With the introduction of the Bantu Education Act of 1953, all education in South Africa was officially divided along racial/ethnic lines to enforce the dominance of White rule by excluding Blacks from quality academic education and training in technology.

The Nationalist government, with the introduction of the Extension of University Act of 1959, officially stamped its ideology of racial segregation on the South African Higher education system that became the organizing principle in apartheid South Africa. Prior to the passing of the Act a few Black, Coloured and Indian students were studying at the English-speaking universities of Cape Town, Natal, Rhodes and Witwatersrand. As a result of the Act students of colour were **“relegated to specially established tribal colleges”** which later became full universities (Johnson, 1998 : 141).

The development of these tribal colleges for different Black ethnic groups was initiated in 1959/60. These colleges were located in different rural areas and were frequently referred to as ‘bush’ colleges. This commenced with the University College of Fort Hare which, according to Johnson (1998 : 145), provided an education far superior to that in subsequent tribal colleges. The establishment of the University College of Fort Hare in 1959, originally called the S A Native College when it was established in 1915, signalled the beginning of segregated Higher Education in South Africa.

As part of the apartheid regime’s separatist ideology and to foster the strategy of divide and rule, students of colour from the different race groups were forced to attend these separate tribal universities and technikons. For example, Indians were forced to attend University of Durban-Westville (UDW), Coloureds, University of Western Cape (UWC) and Zulus, University of Zululand (UNIZUL) and so on. Hence, under apartheid rule, each institution targeted and enrolled students and staff from specific racially/ethnically defined groups. In this regard the Act of 1959, according to Johnson (1998 : 141), was **“a calamitous step”** for Higher Education in the country. In order

to develop bases for its apartheid ideology, the Nationalist government, established the University of Port Elizabeth (UPE) in 1964 and Rand Afrikaans University (RAU) in 1966 to counter the influence of the so called English liberal universities. These Historically White Afrikaans-Medium Universities (HWAUs) were the cultural possession of the Nationalist Party - Dutch Reformed Church - Broederbond nexus, which stressed Christian National Education that sharply opposed the culture of the English-speaking liberal universities. These universities were established as a counter to Rhodes in the Eastern Cape and Witwatersrand in Johannesburg. The ruling party successfully obtained the loyal support of the Afrikaanse Studentebond to accept the dictates and values espoused by their Nationalist Party (NP) elders. Nzimande (1988: 4) underscores this contention by stating that the main function of the Historically Afrikaans-Medium institutions was the “... **training of loyal servants of apartheid**” which was indeed the case as many of the ministers in parliament during the apartheid regime were from these institutions.

Technikons, on the other hand, are uniquely South African institutions of Higher Education that have evolved within the country over the years. They also operated strictly under the framework of the apartheid ideology. During the apartheid era these institutions periodically underwent some sort of transformation. Transformation is, therefore, not new to them. Technikons were initially established as vocational centres which provided for the need for more technically- orientated people in the country. With the development of mines and railways during the latter part of the eighteenth century the need for technical education increased. By the early 1900s numerous training centres developed and by 1910 a reasonable framework of technical education had been established (Reynolds, 2001 : 142). With the change in character and the increased variety of courses offered, these centres of vocational training soon became known as technical colleges.

With the introduction of the Advanced Technical Education Act of 1967, the technical colleges of Cape, Natal, Pretoria and Witwatersrand were changed to colleges for advanced technical education (CATEs). Two additional colleges were established in

1967, one at Vanderbijl Park and the other in Bloemfontein. By the end of 1969, there was a total of six CATEs. All these institutions were by law exclusively White staffed and for White students only.

Another Act which led to further evolution of the CATEs was the Technical Education Amendment Act of 1979. Although the name Colleges for Advanced Technical Education (CATE) described the functions of these institutions, it soon became clear that, for various reasons, this designation was not widely appealing to the general public. The 1979 Act gave CATEs a new designation which was uniquely South African. They were now referred to as technikons. This term was derived from the word 'techne' meaning ingenuity, dexterity or skill which was combined with the suffix 'kon' to create a noun (Committee of Technikon Principals, n.d. : 3).

Added to the list of the abovementioned exclusively White technikons was Technikon South Africa (TSA), which was established in 1980 as a distance education technikon. Hence, by the 1980s, there were seven Historically White Technikons (HWTs). They were : Technikon Natal, Cape Technikon, Pretoria Technikon (PT), WITS Technikon, Vaal Triangle Technikon, Bloemfontein Technikon and TSA. Arising out of the 1979 Act, for the first time they were viewed as Higher Education institutions. Their task was to provide vocational education in order to supply the labour market with personnel with technological and other job specific skills as well as practical knowledge related to specific jobs.

In order to promote the ideology of apartheid, other technikons were established by the state to provide technical education for Africans, Indians and Coloureds exclusively. The respective Black groups were legally prohibited from studying at each other's or White technikons. The oldest technikon serving a historically disadvantaged population was M L Sultan Technikon in Durban, established in 1946. It was established exclusively for the Indian group. Peninsula Technikon (Pentech) which started as Cape Technical College in the 1920s was declared exclusively for the Coloured group in 1979 (Cooper and Subotsky, 2001: 10).

The five Historically African Technikons were established as part of the apartheid scheme of self-governing Bantu Homelands from the late 1970s onwards. This coincided with the Higher Education institutional expansion in apartheid-designated African rural areas. Mangosutho Technikon (MT), which started in 1970 along the fringe zone of Durban, became a technikon in 1979 followed by Technikon Northern Transvaal in 1980, north of Pretoria, which was renamed Technikon Northern Gauteng (TNG) in the new South Africa. Setlogelo, which started as a college in 1976 just inside the Bophuthatswana border, became North West Technikon in 1987. Transkei Technikon, which started in Butterworth in 1987 became Eastern Cape Technikon (ECT) in 1991, and Ciskei Technikon (renamed Border Technikon (BT)) was established in Bisho in 1988.

By the early 1990s the HBTs reached a total of seven. Together with the 21 universities this brings the total of Higher Education institutions to date in South Africa to 36 “... **more than in any other country with a population of under 50 million people**” (Cooper and Subotsky, 2001 : 7). This unnecessary duplication of institutions was established to entrench the ideology of apartheid.

As was the case with the universities, the imprint of apartheid strongly influenced the organization, staffing, resources, funding and access to the technikons. In fact, Cooper and Subotsky (2001 : 226) appropriately state that at Historically Disadvantaged Technikons (HDTs) “... **the double imprint of apartheid is evident : both in the racially stratified labour market according to personnel categories and in the racially determined historical institutional types**”. In this regard they cite the following discrepancies between HATs and HDTs :

- ❑ The percentage of Africans in the professional category at HATs was extremely low (7%), while in the HDTs they comprised 20%.
- ❑ White professional staff at HATs comprised a massive 80%. In addition, they comprised a considerable 40% at HDTs.

- ❑ Employment Equity as related to academic and Executive/Administrative/Management staff appears to be slower than that of universities.

The most significant change in the history of technikon education took place in 1993. The Technikon Act No. 125 enabled technikons to offer degree studies. The Certification Council for Technikon Education (SERTEC) was established to ensure that all technikons adhered to university-comparable standards of teaching and examination. The Technikon Education Amendment Act of 1993 allowed SERTEC to accredit instructional courses presented by technikons. Technikons were allowed to offer bachelor's degree in technology (B Tech), the master's degree in technology (M Tech) and doctoral degrees in technology (D Tech). While the majority of HWTs currently conduct courses leading to degrees at all three levels, a number of the HDTs have not been able to do so. There is the perception that this was due to the lack of adequately qualified staff and facilities in HDTs arising from the inequalities of the past

Given the ideological distinction of apartheid policy between general affairs and own affairs, universities, technikons and teacher training institutions were racially segregated and placed under the control of each of the respective fourteen different Departments of Education, (NCHE, Final Report : www.hsrc.ac.za/nche/final/transform/3.html). These divisions resulted in gross fragmentation of the Higher Education system. Consequently, the effectiveness and efficiency of the system suffered badly through a lack of co-ordination, common goals and systematic planning.

The authoritarian nature of the Nationalist government and the ever-escalating conflict around apartheid, polarized the relationship between some Higher Education institutions and the government resulting in a sharp state - civil society dichotomy. In the government's attempt to deal with this situation they adopted a governance model for HDIs that led to more state control. Control by legislation was supported by the central government's administrative and executive powers with which they controlled

the composition of management, administrative and academic structures, access, student affairs, funding as well as the appointment in some cases, of all senior members of staff. In contrast, there was strong institutional autonomy for HWIs which led to a remarkable degree of self-regulation among them in the 1980s.

Many of the 17 Historically Disadvantaged Institutions (HDIs) remained fully segregated until the 1980s. The University of South Africa (UNISA) was the only university that offered distance education for students of all racial/ethnic groups. So unequal was the distribution that in 1978 university enrollment comprised 121 869 Whites, 25 150 Africans, 10 661 Coloured and 10 117 Indians (Lindsay, 1997 : 524). By 1985 the African enrollment at institutions of Higher Education increased to a mere 39 700, while that of Whites increased to 141 000 which was inverse to the country's population distribution of 77% Blacks and 11% Whites respectively (Behr, 1988 : 198). Sonn (1993(b) : Conference, Pretoria) underscores this fact by pointing out that the apartheid system was responsible for more than 27 million scientifically illiterate Blacks, Coloureds and Indians.

The area of teacher training for Africans was one of the areas strategically intended for and used to secure apartheid's grip on education. In 1953 the Bantu Education Act was passed by the Minister of Native Affairs, Dr H F Verwoerd, the architect of apartheid. He enunciated the apartheid strategy by categorically stating :

“When I have control of Native education I will reform it so that natives will be taught from childhood to realise that equality with Europeans, is not for them ... People who believe in equality are not desirable teachers for natives.”

(Kumbula, 1993 : 15)

White officials expected that the high numbers of African teacher trainees would ensure an adequately colonized teacher population. In this way they secured the control

necessary to maintain White supremacy.

Arising from the aforementioned, four categories of Higher Education institutions emerged in South Africa. They were the Historically White English-Medium liberal Universities (HWEUs) and technikons. These institutions apparently enjoyed a liberal culture but their liberalness had its limitations. Although they appeared to resist racial segregation, their history, before the onset of formal apartheid, reveals a fair amount of hypocrisy over hidden racial quotas and a less than total commitment to the liberal principles they preached. Badat *et al.* (1994: 12) corroborate this viewpoint, stating that the English-Medium institutions, whilst giving the impression that they were not aligned to the ideology of the Afrikaner government, functioned well within the divided social order. Nzimande (1988 : 5) in a terse but telling manner, claims that all they did was merely assimilate Blacks into the White culture of their institutions. Formal and informal segregation still, however, prevailed in their social and academic practices (Murray, 1990 : 649-76).

The second category, the Historically White Afrikaans-Medium Universities (HWAUs), on the other hand, were the protégés of the National Party-Dutch Reformed Church-Broederbond nexus. They reflected the anti-colonial racist thrust of the Afrikaans culture and were viewed as “**conservative crucibles of Afrikaner nationalism**” (Booyesen, 1989 : Conference at WITS). However, among the Afrikaans-language universities, the University of Stellenbosch was viewed as the most progressive and *verligte* (enlightened), while the Universities of Pretoria and Potchefstroom were viewed as *verkramp* (most conservative).

The third category were the so called tribal colleges. These are presently classified as either Historically Disadvantaged Universities (HDUs), Historically Black Universities (HBUs) or Historically Black Institutions (HBIs). When they were established by the apartheid regime, these universities were vilified by the ANC and Pan African Congress (PAC) as illegitimate, ethnically defined and third-rate institutions. These institutions were originally controlled by the Broederbond and Bantu Homeland Administrations and

were severely repressed by the apartheid regime. What was significantly glaring was that they were severely disadvantaged by the lower levels of funding by the apartheid government compared with HAIs. The allocation of resources mirrored the racial hierarchy of opportunities entrenched in other sectors of South African society. A case in point was, in the 1992-3 financial allocation, UCT, a Historically White University, received 71% of its total budget from the government, while the neighbouring University of Western Cape, a Historically Black University, received only 46% of its total budget from the government. This disparate allocation occurred even though UWC had an enrolment of 14 398 compared to UCTs 13 000 students (Mabokela and King, 2001 : xvi).

In addition to obvious disparities in funding, the HBUs were plagued by poor infrastructure and physical facilities compared to HWIs. The majority of these institutions (with the exception of UDW and UWC) were established in isolated parts of the country. These areas lacked adequate schooling, medical services, transport and accommodation for both students and staff. This restricted their active participation in the core of South African academic life. Such circumstances continued to plague these institutions, making it difficult to compete with the HWIs.

Further, the inability of HBIs to procure alternative funding made it difficult for them to compete effectively for highly qualified faculty. Consequently, the credentials of faculty members of South Africa's Historically White and Historically Black Universities differed greatly.

The fourth category was Distance Education Universities (DEUs) of which UNISA was and still is the largest such university in the country. Its success led to the establishment of the Vista University with campuses around the country to cater for urban Blacks. Vista students are almost entirely Black and UNISA is now predominantly so. UNISA, however, belonged to the world of Afrikaans universities which preached the apartheid ideology. Its headquarters was in Pretoria and it had a largely Afrikaans White faculty and administration. Up until 1968 all non-White

universities were under the tight control of UNISA regarding syllabi and examinations. This was a further effort by the apartheid regime to control and manipulate the Black mind. The syllabi offered for Blacks was **“the single most important and devastating instrument for producing third class intellectuals and the control of the Black mind”** (Nzimande, 1988 : 5). It is, therefore, understandable why the pool of highly rated Black academics is small today.

Restrictions were also placed upon Black institutions of Higher Education with regard to the subjects they were allowed to offer. This is a further factor that had a bearing on the pool of Black academics especially in the sciences and other scarce subjects. These institutions were also restricted in terms of the levels and fields of study they offered. Initially, all studies were restricted only to undergraduate degrees and diplomas and the fields of study were predominantly in the liberal arts, humanities, education and law. The sciences and other technical subjects were taught mainly by the Historically White Institutions (HWIs). Wherever the sciences were taught in HDIs they were almost exclusively teacher training orientated and hence, to a large extent, not geared towards future research.

Most students and staff at HDIs were, therefore, trained to be cogs in the wheel of the apartheid machinery. South Africa’s Historically Black Institutions for Higher Education were, therefore, established to fulfil three primary goals (Mabokela, 2002 : 206) :

- ❑ to legitimize and cement the ideology of separate racial and ethnic groups as promoted by the ruling National Party;
- ❑ to provide personnel who could administer and support structures in the self-governing homelands; and,
- ❑ to maintain and reproduce the subordinate social, educational and economic positions of Blacks.

It is thus apparent from the above that although Blacks were offered greater opportunity to study under the Extension of Universities Act of 1959 they had no alternative but to

study subjects which contributed to the prevailing social order. Gerwel (1992 : 132) reinforces this notion by arguing that **“apartheid had as its deliberate objective, the systematic underdevelopment of intellectual skills and human potential”** of Blacks. Hence, the reason for Blacks being presently disadvantaged with low academic qualifications.

The apartheid regime was highly successful in developing a university system that was divided by race both between and within each institution. Staffing of academics was clearly divided among the institutions of Higher Education according to race up to 1993. This was described by Peacock (1993 : 4) as **“vertical racial separation”**. Within the university itself there was **“horizontal racial separation”** with Whites dominating senior positions in the majority of Higher Education institutions (Peacock, 1993 : 4). Badat *et al.* (1994 : 32) maintain that this domination of Whites in senior positions **“ensured essential continuity in the academic character of these institutions”**. Higher Education institutions conformed in varying degrees with the policy of racially separated institutions by not recruiting both staff and students outside their designated race classification. Also academic staff of colour, by a process of **“rational self exclusion”**, rarely applied to HWUs for jobs as they felt they would automatically not be selected because of their race (Peacock, 1993 : 5).

It took approximately 30 years for the system, inaugurated by the 1959 Act, to begin to collapse (Johnson, 1998 :141). This was in part the outcome of student protests on university campuses and other institutions of education across South Africa. It soon led to a change in Higher Education legislation. This commenced when non-White groups were allowed to attend any HDI of their choice. Although this was gradual it was a move towards integration by the HWUs.

This move was facilitated by the University Amendment Act (the Quota Act) of 1983 which lifted some of the formal barriers prohibiting Blacks from attending HWIs and allowing people from other racial groups to study at the so called Coloured or Indian institutions. They were, however, only allowed to study outside their tribal institutions

provided that the course of study was not offered at their institutions. Further, the numbers admitted to such institutions was subject to a strict quota system.

Whilst this increased the avenues of study for Blacks the overall number of Blacks studying at Higher Education institutions was still significantly lower than that of Whites. Also, by way of the quota system, the number of people of colour in HWIs was kept to a controlled minimum so as not to disturb the established and intended population structure of such institutions governed by the apartheid ideology. Manie (1988 : 11) points out that such measures were attempts, amongst others, to “**reform apartheid, not dismantle it**”.

5.3 THE ACADEMIC RESPONSE TO AFFIRMATIVE ACTION

We need to consider at this juncture the South African Higher Education Academic response to Affirmative Action and Employment Equity efforts during the late 1980s and early 1990s. This was the period just before the first free democratic election in 1994.

In South Africa, as mentioned earlier, there was a paucity of research on the academic response to Affirmative Action or into discrimination at South African universities (Peacock, 1993 : 7). Even after the birth of the new democratic South Africa and the establishment of the new constitution, there is still a lack of such research. It is, therefore, one of the aims of this study to unearth such information with a view to establishing the *status quo* regarding Affirmative Action and Employment Equity.

During the last two decades, as was the case in the USA in earlier years, faculty and staff positions were often filled by professional acquaintances of the Dean or Heads of Departments. Advertisements for people of colour in national newspapers were rare and, that too, only when no known candidate was available. Whatever mentoring was offered was particularly for White males. Seldom were women or members of the previously disadvantaged groups given the encouragement and job opportunities available to their White male colleagues. Since few senior faculty were women or

members of the disadvantaged group many promising females and members of the disadvantaged groups lacked role models and the encouragement to continue their studies. A cycle was perpetuated which ensured that the best jobs went to the protégés of departmental staff who were usually White males, thereby continuing the traditional old boy network. In this regard, a South African Black woman academic, with a PhD degree made the following observation :

“I’ve seen White males promoted to full professor without so much as a Doctorate, and with no publications. Promotions seem automatic for [White] men ... the road is much steeper for women ...”

(Peacock, 1993 : 55)

This apparently relaxed academic milieu, sheltered by the apartheid ideology, was shaken by the revelations of a study conducted by the Union of Democratic University Staff Associations (UDUSA) headed by Peacock in 1993 entitled ‘South African Universities, Race and Gender Factors in Employment Patterns’. This was one of the pioneering studies in this area and contained substantial data documenting, *inter alia*, discrimination in institutions of Higher Education. It was also a coincidence that it was completed on the eve of the first democratic elections in the country, following upon which major changes in Higher Education and in the entire fabric of the South African society were envisaged. In view of this it would be interesting to note the responses of academics after the onset of the new democracy, moreso, because during this period Affirmative Action legislation and the Equity Bill were under consideration.

This research revealed that only a small percentage of the 21 universities in South Africa stated that they were Affirmative Action employers. What, however, was of concern was the lack of research into discrimination at South African universities and the lack of any type of institutional strategy that in any way addressed race and gender issues (Peacock, 1993 : 7). Although it was a legal requirement that universities provide statistical data on racial classification of their workforce at the time,

administrators did not appear to have made significant use of this data to develop internal strategies to minimize the effects of apartheid. In fact, the majority of the universities found great difficulty in identifying and accepting the fact that there was discrimination at their institutions and that it could possibly have had an effect on the present staffing. It is perhaps, out of guilt, that they wished to sweep the matter under the carpet and to act as if discrimination never existed.

This is surprising in view of the fact that the strength of the belief of the apartheid regime in the separate development of universities within South Africa was categorically expressed by the following paragraph from the Universities Amendment Bill of 1966:

“No student, member of staff, association of students or staff, research worker, or person of any university shall on the ground that he advocates, promotes, or maintains any form of racial separation be prejudiced or subjected to any form of discrimination.”

(Peacock, 1993 : 11)

This Bill also gave the Minister powers to withhold all or part of the government grant to universities who failed to ensure that racists were not criticized. This had been a constant feature of their approach. For example, in 1987 F W de Klerk, then Minister of Education, threatened to withhold subsidies if the university did not **“police opposition to the regime”** (Peacock, 1993 :11). This was a threat that his father, who was also a Minister of Education, used freely in the 1960s. Badat *et al.* (1994 : 30) extend this perception by adding that staff could be dismissed on any one of 17 counts including criticism of the department of education or the policy of separate development.

Further, it is also important to note that there has never been, since the introduction of apartheid, any legislation to restrict the autonomy of universities in appointing staff irrespective of race or gender. Legally and in theory the individual university senate of

Historically White Universities (HWUs) had total autonomy to recruit whoever they wished, yet, with a few notable exceptions, **“the academic staff as well as the governing structures of the majority of the universities at that time, were almost exclusively composed of White men”** (Sarakinsky, 1993 : 5).

An example of the power that the apartheid regime wielded over universities was the case at UCT in 1968 : The university attempted to appoint a person of colour to the position of senior lecturer in the Department of Social Anthropology; this attempt was regarded by the state as **“tantamount to the flouting of the accepted traditional outlook of South Africa”** (Peacock, 1993 : 13). It was made patently clear by the apartheid regime that they would not hesitate to take steps as they deemed fit to reject it if the appointment was ratified. The appointment was subsequently rescinded.

It is evident from the above that the apartheid regime did not hesitate to impose its power on institutions of Higher Education. The institutions either accepted or acquiesced to the **“accepted traditional outlook”** (Peacock, 1993 : 13). Some of the institutions appeared to have conformed more readily than others. It is, therefore, not surprising that several university administrators pretended that discrimination did not exist at their institutions. This is probably due to an escapist and/or biased perception by individual universities. This perception is corroborated by the findings of a study conducted in 1986 on community perceptions of the University of The Witwatersrand (WITS). It was found, among other things, that contrary to its own perception of itself as liberal and non-discriminatory, WITS was widely regarded by Blacks as being, *inter alia*, racist, elitist and exclusive in its employment, student enrollment and teaching practices (Perception of WITS (POW) : 1986 :2). It appears, therefore, that discrimination was perpetuated under the guise of liberal rhetoric that was characteristic of many English-speaking universities in the country.

By 1993 only two universities, UCT and WITS, had formal positive action staffing programmes which took into account race and gender. At UCT this was described as Affirmative selection. However, both universities made it absolutely clear that they

opposed Affirmative Action at selection. In fact, Peacock (1993 : 65) makes the declaration that the vast majority of senior administrators was opposed to any form of Affirmative Action in staffing. White universities preferred non-discriminatory legislation rather than equal opportunity or Affirmative Action legislation. In this regard Ezorsky (1991 : 42) proposes that such **“absence of discriminatory intent does not redeem employment procedures ... that operate as built-in headwinds for the previously disadvantaged”**. The view held by some senior members of management was that Affirmative Action was equivalent to the practice of direct discrimination, as was the case under the apartheid regime.

Those universities apparently supporting Affirmative Action were unable to clearly articulate how the principle of Affirmative Action was implemented. Thus, it is understandable why academics, like Sarakinsky (1993 : 5), sagaciously remarks that :

“... if our universities are serious about Affirmative Action and becoming equal opportunity or non-discriminatory employers they must confront the problem honestly. Adopting glib resolutions and merely proclaiming their intentions is not good enough as it often leads to the perpetuation of discrimination under the guise of liberal rhetoric.”

Peacock's (1993 : 65) discussion with members of the academic staff revealed that its implementation would not be without the possibility of conflict. He quoted as an example the appointment of a Black academic with significantly lower qualifications and experience over a White academic. This ultimately led to opposition from sections of the White staff.

Peacock (1993 : 65), drawing on his study, maintains that recruitment procedures followed by those universities in South Africa who claimed to support Affirmative Action then were:

- ❑ Selection was made from within a designated identified group on merit, provided the minimum necessary criteria, usually technical, were met. Selection would normally not be undertaken if there were no candidates from the designated group that met the minimum criteria.
- ❑ No initial exclusion of individuals who fell outside the designated racial or gender group was undertaken. If candidates from the designated group did not meet the minimum requirements then selection took place, on merit, outside of the initial designated group.

Peacock (1993 : 65) also found that there were no formal Affirmative Action/Employment Equity recruitment policies available in writing. This reinforces Sarakinsky's (1993 : 5) earlier view of **“adopting glib resolutions and merely proclaiming intentions”**. The truth of the matter is that the integrity of South African academics of the old regime was seriously damaged because they perceived Affirmative Action as an attempt to correct past discriminatory acts.

Many local academics generally associated Affirmative Action with the quota system and were engaged in the simplistic belief, that despite the shortage of Black candidates with the necessary training and experience, the quota of Black staff still had to be met. Blacks were, therefore, simply appointed in order to keep the statistician happy (Sarakinsky, 1993 : 7).

Peacock (1993 : 4-5) found that many administrators did not use race and gender statistics adequately to develop internal strategies that would minimize the effects of apartheid. According to his findings, one Vice-Chancellor actually argued that there was no need for race and gender statistics as **“apartheid was now behind us”** (Peacock, 1993 : 5).

Fortunately, this view, he found, was not shared by the majority of the committee of Vice-Chancellors. He also found, in his study, that there was a lack of recognition of the

impact of apartheid on Higher Education institutions, especially among senior members, many of whom were representatives of the old apartheid regime.

It is common knowledge that significant changes in gender and racial profile of institutions depend to a large extent on deliberate reviewing and modifying of existing internal recruitment criteria. His findings revealed this to be in limited practice. In fact, he found that universities **“were less than prepared for the challenges that [were to] face them”** (Peacock, 1993 : 6).

Another contentious area of concern that emerged from this study was that, where an institution, when asked, stated that it does not discriminate it was assumed to be true. However, he asserts that this did not necessarily mean it was true in that the race and gender statistics, especially at HWUs, showed otherwise. Given the political climate during the threshold period, before the first free general elections in 1994, it would have been almost suicidal for well-known senior members of Higher Education institutions to state openly that there was discrimination against people of colour and women. What concerned Peacock (1993 : 7) deeply was the lack of research into discrimination at South African institutions of Higher Education, lack of policies and a lack of any type of institutional strategy that addressed race and gender issues. This makes the need for the present study even more relevant.

With regard to women and Affirmative Action, the overwhelming majority of universities in 1993 did not recognize that there was a severe underutilization of women staff members (Peacock, 1993 : 38). Hence, it is not surprising that South African universities are described as **“not being havens of non-sexism or a leading light in the promotion of women to senior positions”** (Bethlehem, 1993 : 214). All the universities declared that the possibility of any gender bias that might inhibit entry or progress of women within the male dominated institutions, was remote. The observations and experiences of women reveal otherwise.

The conditions for Black women in South Africa were further exacerbated by the fact that

they were not only treated as unequal to men but, also, in terms of the race classification devised by the apartheid regime, Black women academics were treated unequally to White women as well. Dowling (1992 : 78) is of the opinion that the injustices levelled against Black women were of greater magnitude than that inflicted on others in South Africa. Not only were they excluded from participating in the organization and functioning of their families and society, but they also experienced far greater oppression as a result of apartheid. A further disadvantage in the past was that, traditionally, Black females were often deprived of schooling while their male siblings attended school (Mjoli, 1990 : 19-20). She concludes that the debt owed to Black South African women is considerably more than that to White women or men. Hence, it is clear that the cycles of discrimination that Black women encountered in South Africa differs from that of White women.

Although the senior management of all universities visited by Peacock (1993 : 38) showed their willingness to discuss gender issues, the majority of them were unable to provide even the most basic statistical data related to gender and staffing. This lack of institutional research into the gender question raised severe doubts as to whether this matter was treated seriously or given any attention at all. The findings of the study did, however, reveal vast differences in the positions held by males and females. The Gender Equity Task Team (Wolpe *et al.*, 1997 : 195) found that :

“... educational administration in South Africa has traditionally been and remains male dominated.... Because of the conditions created by apartheid, this has often been racially skewed, with White males in the most senior decision-making positions.”

The reasons for the differences in positions held by women at South African universities in comparison with their male colleagues are difficult to identify. However, a starting point could be that they were late entrants into academia, with significant numbers of entry being only in the 1960s (Bethlehem, 1993 : 214). Also, women were historically discriminated against by apartheid regulations that prohibited or limited full-time

employment of married women. In some universities this practice continued until the mid-1980s. Bethlehem (1993 : 215) believed that there were other processes or factors at work which served to block women's progress, particularly at the higher levels. Up until about 1993 women were not only underrepresented in faculties in terms of their total number but they were also underrepresented in senior academic positions and within the senior decision-making structures.

Many of the Deans and other administrators interviewed at the universities were of the opinion that women were not disadvantaged anymore and that it was only a matter of time before they are on par with men. By implication this means that there is no need for Affirmative Action or any other programme to ensure the advancement of women. Gender equality in academia was, therefore, seen as a process that will occur in time on its own accord. At many universities gender consciousness was not regarded as part of the Affirmative Action programme. It appears as if the logic of Affirmative Action in terms of race was not followed through in terms of gender.

The implication of the above is that gender was neither seen as political nor a serious problem that needed to be addressed. It was also perceived as not being a part of the university transformation programme. Unlike racial inequality, gender inequality was not seen as a product of historical disadvantage. Ramphela (1994 : 13) endorses this criticism by stating that :

“... there is much less consensus about whether the education and advancement of women had been systematically hindered.”

A probable reason for this, according to her, is that discrimination based on sex has been less overt. It has tended to take place through informal means and in less public ways. Bethlehem (1993 : 213-227), through a series of interviews with academics and administrators from conservative, liberal and radical ends of the spectrum at three universities, found that there was consensus among them that it was unnecessary or undesirable to attempt Affirmative Action or any systematic programme for the

advancement of women in academia. She also claims that **“university administrations have hidden for too long behind the fine-sounding mission statements asserting non-discriminatory practices - they must now be challenged to live up to these pledges”** (Bethlehem, 1993 : 227).

Overt discrimination against women was also present in the form of differing conditions of service for married men and women. For example, at many universities women were denied a housing subsidy and had unequal access to the pension fund. Given such discrimination, *inter alia*, one can argue that universities in South Africa failed to treat women as a valued human resource in whom the university had an investment.

Proponents of Affirmative Action agree that one cannot change the past, but one can learn from the mistakes of the past. They maintain that there would have been no need for Affirmative Action, with its associated special programmes, had there been no race or gender prejudice during the apartheid regime. They claim that if children of colour had been given an equal opportunity to receive quality education in the early years, the number of graduates from disadvantaged race groups would have been relatively high, enabling more to qualify for jobs in Higher Education institutions. Supporters also assert that while present-day institutions appear to profess good intentions regarding non-discriminatory hiring practices, they have, however, been quite slow in translating good-faith intentions into action.

It can be seen from the opposing viewpoints concerning Affirmative Action in Higher Education that the academic community then was deeply split over the issue and could not even agree on the meaning, purpose and legitimacy of Affirmative Action. Unless consensus in Higher Education is reached, Affirmative Action will continue to divide the academic community for years to come. In view of this, it would be interesting to establish via this study whether the aforementioned conditions and views of academics have transformed through time or do they still prevail.

5.4 STATE INITIATIVES TO ENSURE TRANSFORMATION OF HIGHER EDUCATION

The NP government's apartheid policies influenced every aspect of South Africa's educational endeavours. As such, the challenge to bring equitable educational and employment opportunities to every citizen involves a multiplicity of tasks. Most notable has been the struggle to desegregate schools and to transform the Higher Education system from a system plagued with racial and gender disparities to one that will uphold the ideals of non-sexism and non-racism. In acknowledgment of the massive deficiencies in the system of Higher Education, inherited from the apartheid era, the state undertook several initiatives that are discussed below. The impetus to do so rested on the prevailing notion that Higher Education is a tool for redistributing wealth and other resources in a way that does not reflect or perpetuate prior policies of racial, gender or geographical inequities.

5.4.1 The Constitution of The Republic of South Africa

After the elections in 1994 the new government undertook several initiatives in order to support and ensure democratic participation of all the people in South Africa. The first and foremost of these was the South African Constitution itself that explicitly makes provision for Affirmative Action programmes as a means of redressing the injustices of the past (RSA, 1996 : 7). In this regard the Constitutional Court identified the following as one of the basic structures and premises of the new constitutional text :

“... a legal system which ensures equality of all persons before the law, which includes laws, programmes or activities that have as their objective the amelioration of the conditions of the disadvantaged, including those disadvantaged on the grounds of race, colour or creed.”

(Govender, 1998 : 82)

Govender (1998 : 82), a South African Professor of Law, argues that because of the commitment to substantive or real equality, the draftpersons of the South African constitution clearly intended the Affirmative Action programmes to be seen as essential and integral to attaining equality and not to be viewed as a limitation or exception to the right to equality. Sheppard (1993 : 19-20) corroborates this view by arguing that if Affirmative Action is seen as part of the right to equality, it would appear that those challenging such programmes bear the onus upon themselves in proving its illegality. Smith (1995 : 86) alludes to the arguments presented by Govender and Sheppard by stating that, since Affirmative Action is expressly sanctioned by the Constitution, it forestalls any argument as to whether preferential treatment for disadvantaged persons is permitted or not. In the light of the aforementioned Govender (1998 : 82) claims that Affirmative Action programmes must :

- **“promote the achievement of substantive equality; and,**
- **be designed to protect and advance people disadvantaged by unfair discrimination.”**

Since a large number of citizens participated in the process of approving the final draft documents of the Constitution, it represents one of the most intensive collaboration between the South African Government and its people to date. Consequently, the constitution provides for legislative action to safeguard and/or ameliorate those previously disadvantaged by discrimination. Also it categorically declared that the state will not condone or perpetuate discrimination of any kind based on race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.

The Bill of Rights further protects the individual from the injustices of the past and, more particularly, it stipulates the right to academic freedom in institutions of Higher Education. With regard to education in general the Bill of Rights states

that :

“Everyone has the right to a basic education, including adult basic education and to further education, which the state must take reasonable measures to make progressively available to and accessible.”

(Report of the Constitutional Assembly (RCA), 1996 : 12)

In the same report the government gives the assurance that, in order to guarantee access to, and the right to education for all, it will take into account **“equality, practicability and the need to redress the results of past racially discriminatory law and practice”** (RCA, 1996 : 12). Hence, the introduction of, *inter alia*, the White Paper on Affirmative Action and the Employment Equity Act No. 55 of 1998.

5.4.2 The Reconstruction and Development Programme (RDP)

Many of the policies developed after the 1994 elections to protect citizens' fundamental rights to education which are now being implemented operated at various levels of efficiency. Among these was the Reconstruction and Development Plan (RDP), one of the initial plans designed to address and expedite implementation of civil rights policy as outlined in the new constitution. As detailed in the White Paper on Reconstruction and Development (ANC, 1994) the RDP proposes policy for change in critical areas of development including human resources, education, redress and Equity. It proposes, *inter alia*, the concept of lifelong learning and the restructuring and integrating of training and education from pre-school to Higher Education.

5.4.3 The Green Paper on Higher Education

Consequent to the RDP a National Commission on Higher Education (NCHE) was established in 1995 on the recommendation of President Nelson Mandela. The Commission was tasked to analyse the situation in Higher Education in South Africa. This major effort culminated in the Green Paper on Higher Education Transformation in 1996 (NCHE, 1996 (b)). The Green paper signalled the policy intentions of the Department of Education with regard to the reconstruction and development of Higher Education in South Africa. This paper indicated that while the Higher Education system has considerable capacity and internationally acknowledged areas of excellence it is also fundamentally flawed by inequities, imbalances and distortions emanating from its apartheid history and present structure. The recommendation of NCHE was that the system of Higher Education be reshaped to **“serve a new social order, to meet pressing national needs, and to respond to a context of new realities and opportunities”** (NCHE, 1996(a) : 26).

5.4.4 The Education White Paper (EWP) 3 of 1997

In June 1997 the third policy document, Education White Paper 3, A Programme for Higher Education Transformation, was submitted to the cabinet. The White Paper 3 states that the successful transformation and expansion of the South African system of Higher Education depends on policy which has redress as the overarching guiding principle. Further, it identifies two elements critical to effective redress programmes :

- a level of access which ensures that no qualified person will be denied participation in the Higher Education system; and,
- a level of institutional support which ensures that past inequities and disproportionalities are recognized and properly addressed.

With special regard to Employment Equity the White Paper 3 on the Transformation of Higher Education identifies the following as being, *inter alia*, the deficiencies which characterize the present system of Higher Education :

- **“There is an inequitable distribution of access and opportunity for students and staff along lines of race, gender, class and geography. There are ... indefensible balances in the ratios of Black and female staff compared to Whites and males”**

(Department of Education (DOE), 1997(a) : section 1.4)

- **“... the composition of staff in Higher Education fails to reflect demographic realities. Black people and women are severely underrepresented, especially in senior academic and management positions.”**

(DOE, 1997(a) : section 2.94)

The NCHE, Final Report (www.hsrc.ac.za/nche/final/transform/3.html) notes that the Higher Education sector in South Africa, apart from being predominantly White, is highly stratified in terms of race and gender which substantiates the above claims of the EWP3. The trend that was noted in the study is that the greater the prestige, status and influence particular positions held, the greater the extent they were dominated by Whites and men. Positions, which, on the other hand, had a lower status and prestige and which wielded little influence tended to be filled mainly by Blacks and women. The Report also revealed that the majority of the Whites were employed as academic staff or in senior administrative positions. These disparities in the overall employment structure of universities and technikons increased with rank. In 1990, for example, 92% of the executive/administrative management positions at universities were held by Whites.

An analysis of the latest available data for 1999 provided by Subotsky (2001 : 23-35), confirms that the Higher Education workforce still **“fails to reflect demographic realities”** (DOE , 1997(a) : section 2.94); it is still highly stratified by race and gender. Overall he found that the approximate proportion of staff in the university system categorized by race was Africans (40%), Coloured (7%), Indians (3%) and Whites (50%). Greater disparities emerged when he disaggregated Higher Education labour according to the various professional and non-professional categories. In the professional category he found Africans to contribute 19% as compared to 77% Whites.

While such imbalances persist he noted some recent increases in the proportion of African academic staff, predominantly within HDUs. In such institutions Africans comprised 64%. In other HDUs, such as UDW and UWC, the proportion of White academic staff dropped from 50% to about 33⅓% while the proportion of African staff increased from 1% to 10% during the period 1988 to 1998 (CHET, 1999 : 3).

Whilst this was the case, imbalances still prevailed when compared to HAUs where Whites dominated the academic staff. At HWAUs they comprised 96% and at HWEUs they comprised 87% with some individual institutions reaching 99%. The position was very similar at technikons. By 1999 Africans formed the majority of academic staff at HDTs (52%). In general, they remained highly underrepresented at most HATs.

Subotsky (2001 : 36) also found that a similar pattern prevailed in the executive/management category, where increases in the proportion of Africans occurred at African HDUs. The HAUs were still predominantly White. A downward trend was, however, evident in the number of White executive/management staff at HATs.

Regarding gender equity, overall, there has been a consistent growth in the

proportion of women academics across all institutional types (from 28 percent in 1988 to 30 percent in 1992 and to 35 percent in 1997 and 1998). However, across the entire university system, women academics are still strongly underrepresented in senior ranks and somewhat overrepresented in the lecturer and junior lecturer categories. Overall, in 1996, 66 $\frac{2}{3}$ percent of all women academics were in the lecturer category and 30 percent in the senior lecturer category. By contrast, male academics were spread fairly evenly across the professor/senior lecturer/lecturer categories with approximately a third in each. In 1998, women comprised 38 percent of the academic staff at technikons. They were also underrepresented in the senior ranks there, although to a lesser degree than in the universities (CHET, 1999 : 3). Mabokela (2002 : 186) noted that, among the higher academic ranks at some HWUs, women comprised 3% of professors and about 8% of associate professors while their male counterparts held 97% and 92% of the positions respectively.

“Gender inequities are pervasive in allocation of key administrative positions and permanent research and teaching positions” in South Africa (Mabokela : 2002 : 95). Mabokela and King (2001 : 4), in another study, also found that, over a thirteen year period (1983-1995), the proportion of women in senior administrative positions at one prestigious university in South Africa increased only by about 0,75%. In another institution, which started off with one woman administrator in 1983 (1,72%), compared to 57 male colleagues, the ratio of females to males changed, after thirteen years, to 5 : 92. This, they claim, is clearly reflective of the trends prevalent at South African universities in general.

It is clearly apparent from the above statistics that over the decade 1988-1998 historically non-African technikons, like the historically non-African universities, changed very little and did not reflect the demographic realities of South Africa. In the Kwa Zulu-Natal region, in particular, on which the study focuses, Butler-Adams (2001 : 31) claims that race and gender discrepancies amongst Higher Education staff are still marked with gender discrepancies which are even more

intense when tabulated across race and rank. In a very recent publication by CHET, Subotsky (2001; 37), discussing the statistical profile of staff Equity in South African institutions of Higher Education, appropriately sums up the present position by stating that :

“The outline of recent changes in the profile of higher education staff over the past few years shows that, ... very little impact is evident. ... This suggests that the various structural, institutional and practice-embedded impediments to employment equity are creating conditions highly resistant to change.”

Apart from bringing about transformation in Higher Education there are two broad reasons why the staff position of Blacks and women are of great concern to Higher Education institutions. The first reason is a moral one, following from the demands of Equity. The second reason is of a strategic nature. In a world where talent is spread evenly among people, no organization or system can thrive when it relies only on a small segment of its potential skills.

In an attempt to facilitate Employment Equity and to encourage and support diversity The White Paper 3 called for three year rolling plans to be submitted by institutions of Higher Education to the Department of Education. These documents were expected to incorporate human resource development plans including Equity goals with special reference to the following :

“... staff recruitment and promotion policies and practices; staff development ...; remuneration and conditions of service ...; reward systems ...; and, the transformation of institutional cultures to support diversity.”

(Department of Education (DOE), 1997(a) : Section 2.96)

Further, in the Education White Paper 3, (DOE, 1997(a) : section 2.95) the state recognizes that:

“The barriers to access are complex and that the building of human resource capacity poses the dual challenges of equity and development. The problem is broader than the redress of the apartheid legacy.”

In view of this, intensive efforts are required by institutions of Higher Education to develop or, rather, create an enabling environment which will serve to overcome the constraints to Employment Equity. Affirmative Action strategies could play a major role in this regard.

Affirming the significance of a productive institutional culture to the achievement of Equity, the Education White Paper 3 also recommends that institutions of Higher Education develop strategies to achieve this. It commends an institutional culture where there is gender Equity by categorically stating that :

“... institutions have a responsibility for creating an equitable and supportive climate for women, students and staff ... [which, *inter alia*, should] include women’s representation in senior academic and administrative positions and institutional, governance structures, ...”

(DOE, 1997(a) : section 3.43)

Higher Education institutions, especially in South Africa, given the unfortunate past under the apartheid regime, face more difficulties than other employers do in attempting to achieve Employment Equity. The CHET Report (1999: 7) recognizes the fact that Higher Education institutions in South Africa are worse off for the following reasons :

- At many Higher Education institutions, more especially among the Historically Advantaged Institutions, underrepresentation of people, from the designated group especially with regard to academic and senior-executive-managerial staff is low. Hence, in implementing Employment Equity policies they will be required to start from a low base level and that would indeed exacerbate the challenge.
- Formal qualifications, which have become idolatory in the context of Higher Education in South Africa, constitute a rigid requirement for appointment and promotion of academic staff. This makes the access by the previously disadvantaged to Higher Education institutions difficult, given the deprived nature of education they received in the past.
- The weak managerial skills of Heads of academic departments who constitute a critical level in the management hierarchy.
- The relative autonomy enjoyed by faculties within Higher Education institutions leads them to operate as a 'world unto themselves'.
- The perpetuity of the traditional personnel-administration approach as opposed to more proactive Human Resources Management style presents a further challenge. In this regard Cloete *et al.* (2000 : 10) claim that at many institutions the role of the institutional managers is limited to day-to-day administrative operation rather than providing strategic leadership to that organization.

Other reasons include :

- The enormous burden on already severely loaded institutional management. The following exemplifies this : In addition to the Higher Education Act (HEA) of 1997, Higher Education institutions are required

to grapple with a series of new laws and policy developments such as, *inter alia*, The Basic Conditions of Employment Act (1997), the Labour Relations Act (1995), the Skills Development Act (1998), the requirements of the Size and Shape Report (CHE, 2000) and the requirements of the South African Qualifications Authority (SAQA). Amidst this multitude of policy and legislative initiatives, **“severely burdened and in many cases financially stripped institutions, who are often going through an identity and/or leadership crisis or face potential closure must find time and resources to work on the issue of employment equity”** (Potts, 2000: 52-53). It is obvious, therefore, that implementation of the requirements of the Employment Equity Act (EEA) places an enormous burden on Higher Education.

- The universities' racial bias and their individual legacies also serve as a constraint. The creation of institutions of Higher Education for separate races by the previous apartheid regime has resulted in most institutions still having a predominance of one racial group in their staff complement. This skews the current situation at the respective institutions and provides a further challenge.
- The isolated location of most HDIs in the rural areas contributes to the difficulty of attracting top academics. This also isolates Black academics and students from urban sites of learning (Potts, 2000 : 58).
- There is the pervasive notion that academic standards and credentials of the academic staff (faculty) at HBIs are not comparable to those of HWIs. The perceived underqualification of academic staff at HBIs, coupled with the persistent perception of these institutions as third rate institutions, present challenges, as these institutions struggle to create a new identity and rid themselves of their historical marginal position created by the apartheid regime. Such an image also influences the degree to which the

HBI's can compete with HWI's for staff and students.

- Standards in South African institutions of Higher Education are “**deeply imbued with British values**” and do not take into account the majority culture. Therefore, these standards have little relevance for South Africa (Mabokela, 2002 : 191).

5.4.5 The Higher Education Act No. 101 of 1997 (HEA)

In 1997, the new government, led by the ANC, passed its own Higher Education Act which together with the Education White Paper 3 of 1997, formed the basis for addressing Employment Equity in Higher Education. The preamble to the Higher Education Act of 1997 states categorically, *inter alia*, that the Act should contribute towards redressing the discrimination of the past and ensuring representivity and equal access to education. It also expresses the desire to “**pursue excellence, promote the full realisation of the potential of every student and employee, tolerance of ideas and appreciation of diversity**” (Department of Education (DOE), 1997(b) : Preamble). One of the key requirements of the Act, in order to achieve the above, was that every public Higher Education institution establish an institutional forum. The purpose of this institutional forum is to advise the council of the particular institution on, *inter alia*:

- “**race and gender equity policies**”;
- “**the selection of candidates for senior management positions**”;
- “**codes of conduct, mediation and dispute resolution procedures**”;
- “**the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning.**”

(Department of Education (DOE), 1997(b) : section 31(1)(a))

The Act not only provides for central control by the Minister of Education but also gives him/her the powers to change any institution or merge one with the other or to close down an institution. Institutions are also advised that they should operate on a model of co-operative governance, including notably a transformation forum, in which students, staff and members of the community should be represented.

One of the objectives of the Higher Education Act is to ensure that transformation of the nation's universities and technikons takes place. In his address at the University of Natal, President Mbeki emphasised the importance of this stating that the university has a major role to play since it is regarded as **“a microcosm of the wider society”** (Johnson, 1998 : 155).

Another objective is to integrate the extremely disparate Higher Education institutions into more or less the same end-state. To facilitate this, as a starting point, funding discrepancy between HDUs and HAUs have been rationalized by reducing state funding for all universities and technikons.

5.4.6 The Employment Equity Act (EEA) No. 55 of 1998 [Department of Labour (DOL), 1998]

The main aim of Higher Education legislation promulgated, through the introduction of the aforementioned White Paper 3 of 1997 entitled 'A Programme for Transformation of Higher Education' and the Higher Education Act No. 101 of 1997, was to bring about the transformation of Higher Education in South Africa. As discussed earlier, in order to achieve this, it sought to provide a basis against which Higher Education transformation could be monitored, assessed and expedited. Such a legislative framework as a whole may, therefore, be described as a broad statement of intent which was not as effective as envisaged. This, to a large extent, was due to its inadequacy in providing specific guidelines as to how such transformation should be initiated, driven and

managed.

This legislative framework did not contribute appreciably to effect transformation in Higher Education which is evidenced by the outcomes discussed earlier on. The ineffectiveness can be described from an Employment Equity perspective, as having contributed only a limited change in staff Equity in institutions of Higher Education, more especially at the HAIs. These outcomes, among others, reveal that expecting change or transformation to be realized through mere goodwill or good-faith attempts on their own were inadequate. This, in addition to other considerations, made the introduction of the Employment Equity Act No. 55 of 1998 and its application to Higher Education imperative.

The Employment Equity Act No. 55 of 1998 was introduced as one piece of legislation amongst several that together formed the government's transformation programme. This part of the Act was intended to disseminate and put into practice Chapter III, which deals with Affirmative Action. The Employment Equity Act (EEA) falls in line with the South African Constitutional commitment to equality as applied to the domain of employment (discussed in Chapter 2). Also, it fulfills South Africa's obligation to article 5 of Convention III, i.e., the Convention concerning Discrimination in respect of Employment and Occupation (discussed in Chapter 2). With regard to the practice and procedures associated with it the Act draws on the international experience discussed in Chapter 4, particularly from Canada, Australia and the USA.

According to Kabake and Molteno (2001 : 4) the purpose of the EEA is to achieve Equity in the workplace by :

“a) promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and



b) implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups (specifically black people, women and people with disabilities) in order to ensure their equitable representation in all occupational categories and levels in the work force.”

The EEA is also based on the principle that the removal of discrimination alone is not adequate on its own to ensure progress of those who were unfairly discriminated against in the past. It advocates that additional special measures must also be considered.

The EEA disallows, by law, any unfair discrimination against employees and employers. Kabake and Molteno (2001 : 4) draw attention to the following, which they claim are explicitly excluded from the definition of unfair discrimination and which is a strong case for Affirmative Action in the country:

“(a) the taking of affirmative action measures consistent with the purpose of the Act, namely for the achievement of equity in the workplace and

(b) distinguishing, excluding or preferring any person on the basis of an inherent requirement of a job (thus providing for selection on the grounds of merit).”

Further, harassment of whatever nature and medical testing (e.g., HIV, psychological testing) are also regarded as a form of unfair discrimination. Medical testing is prohibited unless it is required by law or the need for it can be justified.

5.4.6.1 The Legal Obligation Regarding Affirmative Action

That part of the EEA which deals with Affirmative Action is applicable only to designated employers, who are defined as those who employ 50 or more employees or have in access of a specified turnover(as reflected in Schedule 4 of the Act) (DOL, 1998 : Section 1). Specific duties for all designated employers are stipulated by the Act.

5.4.6.1.1 Duties of a Designated Employer

A designated employer must implement Affirmative Action measures for designated groups (Black people, women and the disabled) to achieve Employment Equity (DOL, 1998 : Section 19). In order to implement Affirmative Action measures successfully, a designated employer must:

- consult with employees;
- conduct an analysis;
- prepare an employment equity plan; and,
- report to the Director-General on progress made in the implementation of the plan.

5.4.6.1.2 Affirmative Action Measures

Affirmative Action measures are defined as :

“... measures intended to ensure that suitably qualified employees from designated groups have equal employment opportunity and are equitably represented in all occupational categories and levels of the workforce.”

[DOL, 1998 : Section 15(2)]

Such measures according to the EEA (DOL, 1998 : Section 20), must

include :

- identification and elimination of barriers which have an adverse impact on designated groups;
- measures to promote diversity;
- making reasonable accommodation for people from designated groups;
- provision for retention, development and training of designated groups (including skills development); and,
- preferential treatment and numerical goals to ensure equitable representation but excluding quotas.

In implementing the aforementioned measures, designated employers are cautioned : They are not required to take any decision regarding an Employment Equity policy or practice that would establish an absolute barrier to prospective or continued employment or advancement of people **not** from designated groups (DOL, 1998 : Section 21).

5.4.6.1.3 Consultation

A designated employer must take reasonable steps to consult with representatives of employees representing the diverse interests of the workforce. He/she is obliged to do this when conducting an analysis, preparing and implementing a plan and reporting to the Director-General (DOL, 1998 : Section 26).

5.4.6.1.4 Analysis

A designated employer must conduct an analysis of employment policies, practices, procedures and working environment so as to identify employment barriers that adversely affect members of designated groups. The analysis must also include the development of a workforce profile to determine to what extent designated groups are underrepresented in the

workplace (DOL, 1998 : Section 22).

5.4.6.1.5 The Employment Equity Plan

A designated employer must prepare and implement a plan to achieve Employment Equity. This must :

- have objectives to be achieved for each year of the plan;
- include Affirmative Action measures;
- have numerical goals for achieving equitable representation;
- have a timetable for each year of the plan for achievement of goals and objectives other than numerical goals;
- have internal monitoring and evaluation procedures, including internal dispute resolution mechanisms; and,
- identify persons, including senior managers, to monitor and implement the plan.

(DOL, 1998 : Section 24)

5.4.6.1.6 Reports

The designated employer must submit regular reports to the Director-General of Labour on its analysis, plan and progress towards implementation of Employment Equity. Employers that employ fewer than 150 employees, must report every two years. Employers that employ more than 150 employees must report every year.

5.5 CONCLUSION

In this chapter, the apartheid Higher Education legacy, the position regarding Affirmative Action and Employment Equity at institutions of Higher Education of the past and finally state initiatives to rectify the above scenario in the name of Higher Education transformation, are discussed. This discussion is summarized in the mind map

(Figure7).

Given the institutionalised nature of discrimination in South Africa, voluntary haphazard or perceived efforts to include the previously excluded are insufficient. What is needed is a firm commitment to transformation by institutional administrations. They need to construct entities comprising multiple constituencies to devise, implement and monitor transformation; develop incentives and sanction structures to encourage participation in transformation activities and provide frequent opportunities during which all stakeholders can engage in open conversation regarding the pace, process and progress of change. Anything less will decrease the likelihood that equity of opportunity will ever become accomplished.

The next chapter deals with the empirical investigation related to Affirmative Action and Employment Equity. It will include an analysis of the response to the questionnaires and personal interviews by academics employed at Higher Education Institutions in KwaZulu-Natal. This will be followed by a discussion of the findings and recommendation emanating from such findings.

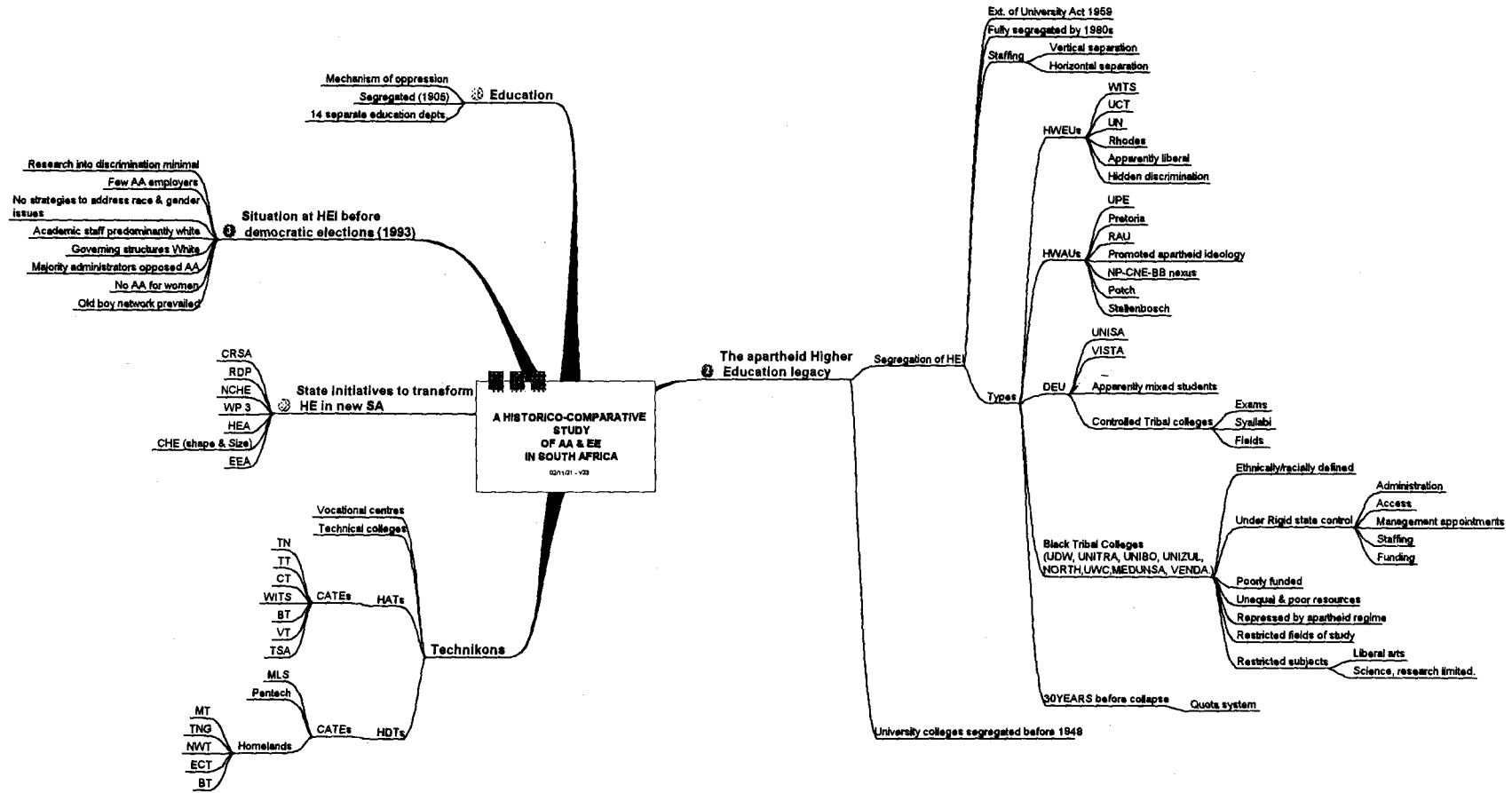


FIGURE 7 : SUMMARY OF THE APARTHEID HIGHER EDUCATION LEGACY IN SOUTH AFRICA

CHAPTER 6

ATTITUDES AND PERCEPTIONS OF PRACTICE AND PROCEDURES RELATED TO AFFIRMATIVE ACTION (AA) AND EMPLOYMENT EQUITY (EE) IN HIGHER EDUCATION INSTITUTIONS IN KWAZULU-NATAL (KZN): FINDINGS OF THE PRESENT STUDY

6.1 INTRODUCTION

The successful implementation of Affirmative Action/Employment Equity programmes in institutions of Higher Education in South Africa is becoming increasingly vital to redress the plight of the previously disadvantaged academics of colour in the country. The literature on the implementation of Affirmative Action/Employment Equity programmes in six countries was reviewed by the researcher with a view to using their expertise and experiences to make recommendations to the relevant authorities, that would contribute to the successful implementation of Affirmative Action/Employment Equity programmes in Higher Education institutions in South Africa. While studies have been conducted in the aforementioned countries and information is available there, the need for local data to substantiate local needs is imperative. Hence, the reason for conducting the present research.

In attempting to derive an insight into the attitudes towards and perceptions of practices and procedures related to Affirmative Action/Employment Equity in Higher Education this empirical investigation was undertaken with the object of collecting local data and feedback on various aspects of Affirmative Action and Employment Equity. A detailed questionnaire (refer to Appendix 1) and an interview schedule (refer to Appendix 2) were used as vehicles to elicit relevant information.

6.2 CHOICE OF LOCALE

The present survey was conducted among all full-time, permanent academic staff (faculty) at six Higher Education institutions located in the province of Kwa Zulu-Natal (refer to Figure 8), one of the nine provinces of South Africa. As illustrated in Figure 8 these institutions are the University of Zululand (UNIZUL) located in rural Ngoya, the University of Durban-Westville (UDW), the Durban and Pietermaritzburg campuses of the University of Natal (UN), Technikon Natal, M L Sultan Technikon and Mangosuthu Technikon located in the eThekweni Municipality. The Durban Institute of Technology comprising the former Natal Technikon and M L Sultan Technikon now called the Steve Biko Campus and M L Sultan Campus respectively was included in this study. However, for purposes of this research reference will be made to the Natal Technikon and M L Sultan Technikon separately as the distribution and collection of questionnaires and the personal interviews were conducted before the merger took place.

6.3 INSTRUMENTS USED IN THE SURVEY

The instruments used in the survey were:

- a seven-part semi-structured questionnaire prefaced with a covering letter; and,
- an in-depth personal interview schedule.

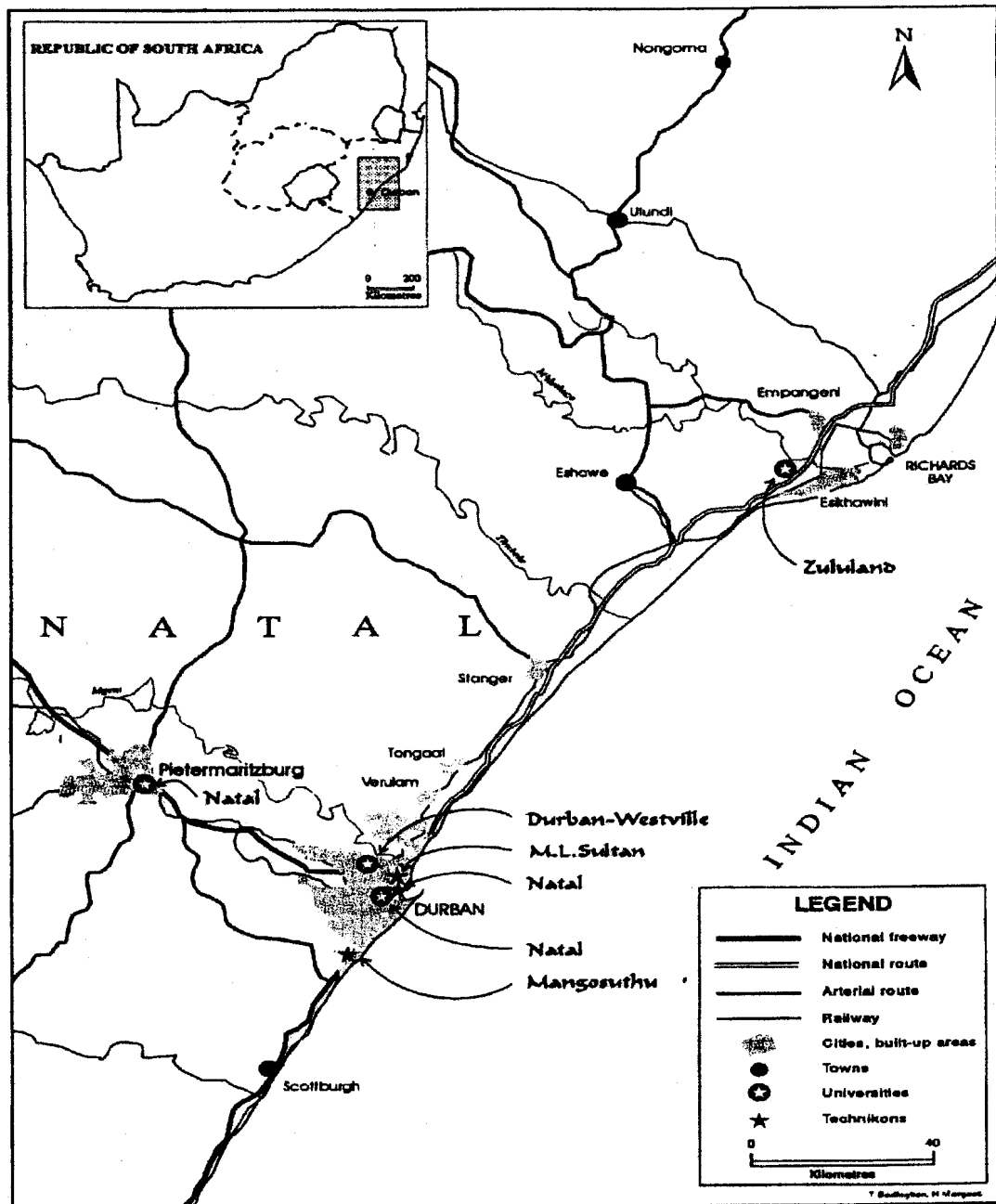


FIGURE 8 : LOCATION OF HIGHER EDUCATION INSTITUTIONS IN KWAZULU-NATAL IN THE PRESENT STUDY (RICP REGIONAL NEWS, 1994 : 6)

6.3.1 Development of the Questionnaire

The questionnaire was designed to assess the attitudes and perceptions of respondents to the practice and procedures of implementing Affirmative Action/ Employment Equity at their respective institutions. The original draft questionnaire was pre-tested in a pilot study at two institutions of Higher Education in KZN : a university and a technikon. As pre-testing is a vital part of questionnaire construction a pilot study was conducted, utilizing three White, three Indian and three African academics from these two institutions. The Coloured academics were not available to participate at the time of the pre-test, hence, their exclusion from the pre-test.

It was evident from the pre-test that the questionnaire was too long as it took approximately twenty four minutes to complete and some respondents candidly pointed out that, had they not known the researcher personally or had the questionnaire been mailed to them, they would not have taken the trouble to complete it. Van Dalen (1966 : 88) contends that a long questionnaire has the following disadvantages:

- it is difficult to hold the respondent's interest and attention; and,
- it may cause reluctance and indifference on the respondent's part to complete the questionnaire.

In view of Van Dalen's recommendation, the criticism of the respondents in the pilot study and consultation with the promoter of the research the questionnaire was reviewed and condensed to accommodate the criticism without affecting the main focus under investigation.

The amended questionnaire was then re-tested in a second pilot study using a new group of eight academics from another institution and two respondents from the previous pilot test. The reason for including the two previous respondents

was to enable a comparison of the two versions. The average time taken to complete the amended questionnaire was fifteen minutes .

Because of the sensitive nature of the responses to the questionnaire respondents expressed fears that they may be victimized by management if they were privy to their responses. To circumvent this fear of victimization the researcher assured them that their responses will be treated confidentially and therefore supplied them with a self-addressed return envelope so that the questionnaires could be returned directly to the researcher. This ensured confidentiality and thus secured the willing co-operation of the respondents.

During the first pilot study some respondents indicated to the researcher that there were terminology and abbreviated terms in the questionnaire that they were not clear about. Therefore, a brief glossary of the abbreviated terms and terminology were included with the questionnaire to clarify these concepts for the respondents.

In order to encourage the respondents to answer the questions and to do so as accurately as possible the following precautions were taken in the construction of the questionnaire:

- special attention was given to constructing the questions in unambiguous terms;
- double-barrelled and leading questions were avoided;
- the questionnaire began with non-threatening questions to motivate responses; and,
- the questions were varied to avoid monotony.

In keeping with Van Dalen's (1966 : 85-86) other recommendations special attention was paid to ensure that the questionnaire satisfied two important objectives:

- to focus on the aims of the research; and,
- to elicit accurate information on the topic being surveyed.

6.3.2 Structure of the Questionnaire

The questionnaire is semi-structured and divided into sections A to G. The content validation of the questionnaire is explained in the introduction to the analysis of the respective questions. Section A required personal and biographical information (questions 1-4) that are essential for meaningful interpretation of findings. The researcher was mindful of the fact that the responses could, perhaps, vary according to the biographical details of the respondents.

Section B focused on the respondents' knowledge, understanding and perception of the basic principles/concepts related to Affirmative Action and Employment Equity (questions 5 –6.8). A combination of open-ended and Likert-type questions were used to elicit agreement/disagreement responses.

Section C tested how well informed the academic staff (faculty) were about the Employment Equity Act and the Affirmative Action/Employment Equity policy at their respective institutions (questions 7-8.1). Direct-response and Likert-type questions were employed.

In Section D Likert-type questions probed the extent of satisfaction/dissatisfaction of the respondents with the success, communication and the manner in which Affirmative Action/Employment Equity is implemented at their respective institutions. This consisted of a set of four questions (questions 9.1-9.4)

Section E focused on provisions made by the respective institutions to ensure the success of Affirmative Action/Employment Equity policies and procedures (questions 10.1-12) at their institutions. The questions included a mixture of open-ended and direct-response type. The qualitative method with open-ended questions was used here and elsewhere in the questionnaire to “... **render rich and descriptive data that is otherwise neglected in a purely quantitative endeavour**” (Luyt and Foster, 2001 : 1).

Section F, comprising a set of fifteen questions, tapped the feelings of the respondents about institutional issues with regard to the implementation of Affirmative Action/Employment Equity, which from the review of the literature, appear to be particularly contentious. Likert-type questions (13.1 - 13.5) were employed to assess agreement/disagreement of respondents.

Section G comprised a set of ten questions (questions 14.1-15) to identify the constraints, barriers and challenges facing Employment Equity at the respective institutions. The questions consisted of a mixture of open-ended and Likert-type questions.

The plan rendered the questionnaire an effective instrument to obtain information on current practices and procedures and the attitudes and perceptions of respondents to Affirmative Action/Employment Equity at their institutions. It also afforded respondents the opportunity to express without inhibition their gut feelings about Affirmative Action/Employment Equity. This was enhanced by the fact that they were protected by complete anonymity.

6.3.3 The Personal Interview

The personal interview was conducted with the respondents at their respective institutions approximately two weeks after the questionnaires were collected. This gave the researcher time to review the responses and determine what needed clarification or deeper analysis. The interview with each respondent was

of one hour duration and was conducted at a time that was convenient to them. The personal interview was conducted for the following reasons :

- it served to supplement the findings of the quantitative survey ;
- it afforded the researcher an opportunity to gain clarity on ambiguous answers in the questionnaire;
- the interviewer was able to observe the non-verbal behaviour of the respondents that helped to assess the validity of the interviewees' answers; and,
- it assisted the researcher to gain a better understanding of the respondents' attitudes and perceptions of Affirmative Action/Employment Equity.

An interview schedule (refer to Appendix 2) was used as a guide to ensure that the same questions were explored with all the respondents. Questions were kept as open-ended as possible to encourage spontaneous answers. Respondents were encouraged to communicate their responses freely. Data from the interviews were analysed using the qualitative technique of noting themes and patterns and clustering as proposed by Miles and Huberman (1984:10-15)

6.3.4 Covering Letter

A covering letter (refer to Appendix 1) was attached to each questionnaire with the following information:

- permission granted by the institution to conduct the research;
- aims, objectives and importance of the study;
- an appeal for co-operation in completing the questionnaire within a week of despatch;
- assured confidentiality of the responses;

- researcher's contact details, should the respondents have any queries;
- procedure for enclosing questionnaires and sealing them in envelopes provided; and,
- the return of completed questionnaires to the registry at their respective institutions.

The above information was also circulated via the internal e-mail at four of the six institutions. The other two institutions refused the use of this media.

6.4 SAMPLING PROCEDURE

6.4.1 Selection of Institutions

All six Higher Education institutions in Kwa Zulu-Natal were selected to form the sampling frame, namely universities and technikons that were referred to as Historically Advantaged Institutions and Historically Disadvantaged Institutions. These are located in urban, semi-urban and rural areas. A probability sampling technique was used. Hence, the data are representative of the types of Higher Education institutions in the Republic of South Africa.

6.4.2 Selection of Respondents

To ensure that the simple random sample was representative of the broad spectrum of the academic staff at the chosen six Higher Education institutions all full-time, permanent line/middle management and instructional staff were identified to participate in this research. The data for all full-time permanent staff was obtained through the Human Resources Department of the respective institutions. The sample was not controlled for gender, race or qualification but was selected instead according to category of employment (rank) and declared permanency.

6.5 CONTROL OF QUESTIONNAIRES – DESPATCH AND RETURN

Prior to despatching the questionnaires the total number of permanent full-time academic staff at the respective institutions was obtained from the Human Resources Managers. A directory of staff at the respective institutions with their contact telephone numbers, etc., was also obtained. Further, the Heads of the respective Departments were addressed personally and, where this was not possible, either the Head of Department or the secretary of the department was contacted by telephone and informed about the despatch and collection procedures. They were also informed that permission was granted by their respective institutions to conduct the survey. This was done to win their willing co-operation.

The required number of questionnaires with the corresponding number of self-addressed envelopes bearing the name and address of the researcher was despatched in a packet to the Heads of Departments via the registry at the respective institutions. Another covering letter addressed to those who were required to distribute the questionnaires was attached to the packet (Refer to Appendix 5). This letter, apart from reiterating the appeal for co-operation, also contained a grid for monitoring despatch and return of the questionnaires from the respective departments. The personnel at the registry were also informed about the procedure of despatch and return of the questionnaires. To avoid the questionnaires being mislaid a special box was set aside for the collection of these questionnaires at the respective institutions. To ensure that the respondents received the questionnaires the researcher contacted the respective Heads of Departments and/or secretaries of these departments to ascertain whether they had received them and also to answer any queries on despatch and return of questionnaires.

From time to time the Heads of Departments or the person/s entrusted with the task of distribution of the questionnaires were reminded by telephone about

the due date. Where respondents did not receive the questionnaires a second packet was despatched to them.

The respondents enclosed the completed questionnaires in sealed envelopes and left them at the registry as instructed. This process helped to confirm anonymity. The researcher collected the questionnaires personally from the registry.

The total number of questionnaires despatched was 2 322 and the total number received was 1 464 (63%).

6.6 LIMITATIONS OF THE STUDY

The following are the limitations of the study:

- It does not deal with the physically challenged or Disabled which is beyond the scope of this study. This group had also been previously disadvantaged in South Africa and forms part of the designated group in the Employment Equity Act No. 55 of 1998.
- Although Higher Education institutions in Kwa Zulu-Natal are representative of those in South Africa in general, they may have their own peculiarities despite being located in the same province.
- It deals with only the permanent academic staff at Higher Education institutions and does not include other staff because this was considered beyond the scope of the study.
- A large percentage of the questions in the questionnaire was on self-assessment. However, the researcher attempted to verify certain responses through personal interviews.

6.7 CONTROL PRECAUTION

In order to extract as frank and truthful answers as possible addressed envelopes were supplied to the respondents to ensure confidentiality. Further, because of the sensitive nature of the study, names of respondents or their institutions were not required on the questionnaire or during the interview. The covering letters (Refer to Appendix 1 and Appendix 5), also assured the respondents that confidentiality will be strictly maintained.

6.8 ANALYSIS OF DATA AND INTERPRETATION OF RESULTS

Each questionnaire was meticulously scrutinized to ensure that it was completed fully before capturing the data on the computer. Incomplete questionnaires, of which there were eighteen, were disregarded. In the analysis of data a combined qualitative and quantitative approach was used, the one supplementing the other.

The Statistical Package for Social Sciences (SPSS) Computer Programme, Version 9, was used to capture and analyse the data. The analysis included the use of both descriptive and inferential statistics. Cronbach's Alpha coefficient was computed to determine the degree of internal consistency and reliability. The Cronbach's Alpha value of 0,7435 for responses of members of the designated group, 0,7219 for the non-designated group and 0,7318 for the entire sample was obtained. This indicated a high degree of internal consistency.

Descriptive statistics were used to calculate Means and Standard Deviations of responses for certain questions while Frequencies and Percentages were used to calculate others. The following inferential statistics were used: Chi-Square Tests, T-Tests and Anova Tests. Cross-tabulation and Chi-Square Tests were used to determine significance of difference between the responses of the

designated and non-designated groups. The level of satisfaction of respondents with the way AA/EE was implemented at the institutions was calculated using T-Tests and Analysis of Variance (Anova).

Table 1 : Distribution of sample according to biographical details

Position/Rank	Gender		Race				Group Type (EEA)		Race and Gender				Institutional Type		Race and Institutional Type				Qualification		
	Male	Female	African	Indian	Coloured	White	Designated group (African, Indian, Coloured)	Non-designated group(White)	Designated group		Non-designated		HBI	HWI	Designated group		Non-designated		Masters & below	PhD	
									African, Indian, Coloured Male	African, Indian, Coloured Female	White Male	White Female			African, Indian, Coloured in HBI	African, Indian, Coloured in HWI	Whites in HBI	Whites in HWI			
Management																					
Dean	2,2%	0,3%	0,5%	0,8%	0,0%	1,1%	1,4%	1,1%	1,1%	0,3%	1,1%	0,0%	1,1%	1,4%	0,8%	0,5%	0,3%	0,8%	1,1%	1,4%	
HoD	13,9%	9,0%	2,5%	4,9%	0,0%	15,5%	7,4%	15,6%	4,1%	3,3%	9,8%	5,7%	8,5%	14,5%	4,6%	2,7%	3,8%	11,7%	13,1%	9,8%	
Academic																					
Senior lecturer or Director	23,5%	10,9%	3,6%	7,4%	0,5%	23,0%	11,5%	23,0%	7,1%	4,4%	16,4%	6,6%	13,1%	21,3%	8,2%	3,3%	4,9%	18,0%	19,9%	14,5%	
Lecturer or Associate lecturer	20,8%	19,4%	10,9%	8,7%	1,9%	18,6%	21,6%	18,6%	12,0%	9,6%	8,7%	9,8%	16,1%	24,0%	11,5%	10,1%	4,6%	13,9%	37,2%	3,0%	
Total	60,4%	39,6%	17,5%	21,8%	2,4%	58,2%	41,9%	58,3%	24,3%	17,6%	36,0%	22,1%	38,8%	61,2%	25,1%	16,6%	13,6%	44,4%	71,3%	28,7%	

6.8.1 BIOGRAPHICAL DETAILS OF RESPONDENTS

The data in Table 1 reveal the spread of respondents with regard to position/rank, gender, race, institutional type, race and gender, race and institutional type, personnel categories and designated and non-designated groups. Evident in Table 1 is the representativeness of the sample of all ranks, ranging from Associate Lecturer to Dean as is generally found in institutions of Higher Education in South Africa. Line management staff (which in this study includes Deans and Heads of Departments) comprise 25,4% of the respondents. Academic staff in the Senior Lecturer category comprise 34,4%. The majority (40,2%) of the respondents are from the lower ranks of Associate Lecturer/Lecturer. In total the instructional staff which comprise the majority of the respondents (74,6%), i.e., including the Senior lecturers reflects the position of staff which is generally the trend in all institutions of Higher Education in South Africa.

The broad representation of respondents across the classification level of rank for KZN is indicative of the trend in Higher Education institutions in South Africa as a whole. Lending support to this finding, Cooper and Subotsky (2001 : 227-228) found that university and technikon staff headcounts by rank for 1999 revealed that 28% of the academic staff occupied Senior Lecturer positions and 43% occupied the positions of Lecturer and below.

The sample comprises 58,2% Whites, 21,8% Indians, 17,5% Africans and 2,4% Coloureds. The approximate proportion of professional staff at institutions of Higher Education in South Africa as a whole for 1999 was 77% Whites, 19% Africans, 3% Indians and 1% Coloureds (Subotsky, 2001:24). In the present survey while the percentage of Whites, Africans and Coloureds conform in rank order to the national statistics there is an unusually high percentage of Indians (21,8%) in KZN in comparison with the national average of 3%. The high percentage of Indian academics in KZN can be attributed to the fact that the

greatest concentration of Indians in South Africa is in KZN. Another reason for the high percentage of Indian representation in this study, is that the two Higher Education institutions, M L Sultan Technikon and the University of Durban-Westville, established exclusively for Indians in the country in terms of the apartheid laws, are both located in KZN.

The gender representation in the sample in KZN was 39,6% female and 60,4% male. The sample in this regard is also representative of the national average which in 1999 was 36% women at Universities and 38% at Technikons (Subotsky 2001:36-37). Women academics from the designated group comprised 17,6% and those from the non-designated group 22,1%. Male academics from the designated group (Africans, Indians and Coloureds) according to the Employment Equity Act No. 55 of 1998, on the other hand, comprised 24,3% while those from the non-designated group comprised 36%. This makes the sample valid and reliable in that there is a fair representation of both male and female academics from both the designated and the non-designated groups in comparison with the national average.

The representation of respondents from the designated group in the present study is 41,9%, while that of the non-designated group (Whites) is 58,1%. Subotsky (2001 : 24), in his study of the statistical profile of staff Equity in Higher Education institutions in South Africa, found that the non-designated group (Whites) comprised 77% of the total population of academics in South Africa, whilst the designated group comprised 23%. In the present study the higher percentage of respondents from the designated group (41,9%) in comparison with the national average (23%) is probably due to the fact that four out of the six Higher Education institutions in KwaZulu-Natal (KZN) are Historically Black. Further, according to the apartheid legislation of the past Black lecturers could only be employed in Black Higher Education institutions. Nevertheless the designated-non-designated divide indicates a fair representation in the sample of academics from both groups in terms of the national average making the sample valid and reliable.

The sample also reveals that the representation of academics from the HBIs is 38,8% and those from HWIs 61,2%. Further the respondents from the designated group at Historically White Institutions (HWIs) is 16,6% and those from the non-designated is 44,4%. At Historically Black Institutions (HBIs) the designated group comprises 25,1% while the non-designated group comprises 13,6%. This sample characteristic is also, to a large extent, representative of the national average and offers a fair representation which, once again, makes it valid and reliable.

The biographical details of the academic staff in the sample (Table 1) in general match the finding by Subotsky (2001 : 36), that the Higher Education workforce in South Africa is highly stratified by race and gender. Thus, the sample in the present study is, by and large, representative of trends in the province of KZN and is also representative of the Black/White and gender divide in South Africa. This makes the sample frame significant, reliable and valid.

6.8.2 ACADEMIC STAFF PERCEPTIONS OF THE PRINCIPLES/CONCEPTS RELATED TO AFFIRMATIVE ACTION(AA)/EMPLOYMENT EQUITY(EE)

A knowledge of the principles/concepts related to Affirmative Action and Employment Equity among academics is vital for the planning and implementation of programmes for the previously disadvantaged. Such knowledge is also essential for 'buy in' of the spirit of Affirmative Action/ Employment Equity by stakeholders especially from the academic sector. This will invariably contribute to its success, given the claim of the USCCR from the experiences in the USA that good-faith efforts and Affirmative Action plans that lack the support of the White male employees have been found to be generally unsuccessful (USCCR,1981 : 49).

Much of the controversy about Affirmative Action results from a misunderstanding of the concept (Fleming *et al.*,1978:4; Human, 1991:15; Shubane, 1995:3). Questions 5 - 6.8 were, therefore, introduced to establish to what extent academics in KZN have a knowledge and understanding of the principles/concepts related to Affirmative Action and Employment Equity. A further reason for this query was motivated by the claim of Nell and van Staden (1988 :19) that the principles and methods of Affirmative Action were not well-known to South Africans. They also claimed that “...this ignorance readily becomes rejection” (Nell and van Staden, 1988 : 19). Therefore, this enquiry is crucial.

6.8.2.1 Composition of the ‘Designated Group’ in Affirmative Action/ Employment Equity Programmes

In question 5 which was an open-ended question respondents were asked ‘ Which race/s and/or others should comprise the designated group?’ Their responses were grouped into seven categories as illustrated in Figures 9,10, & 11. For convenience in interpretation of data percentage responses were rounded off to the nearest whole number in the study.

FIGURE 9 : ILLUSTRATING THE RESPONSES OF THE TOTAL SAMPLE TO THE COMPOSITION OF THE ‘DESIGNATED GROUP’

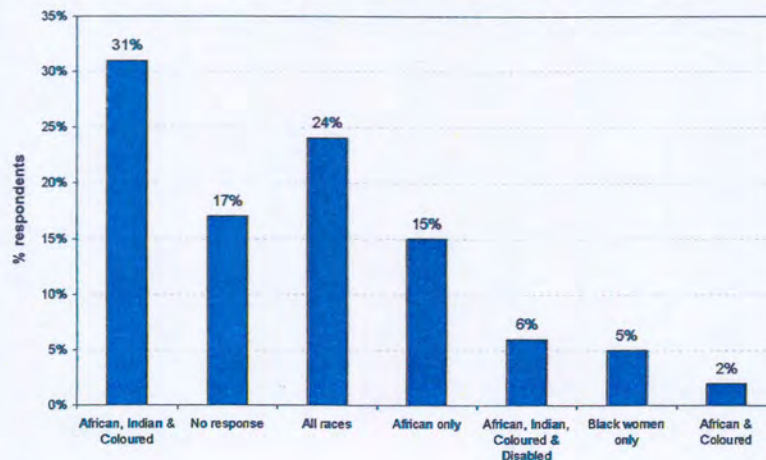
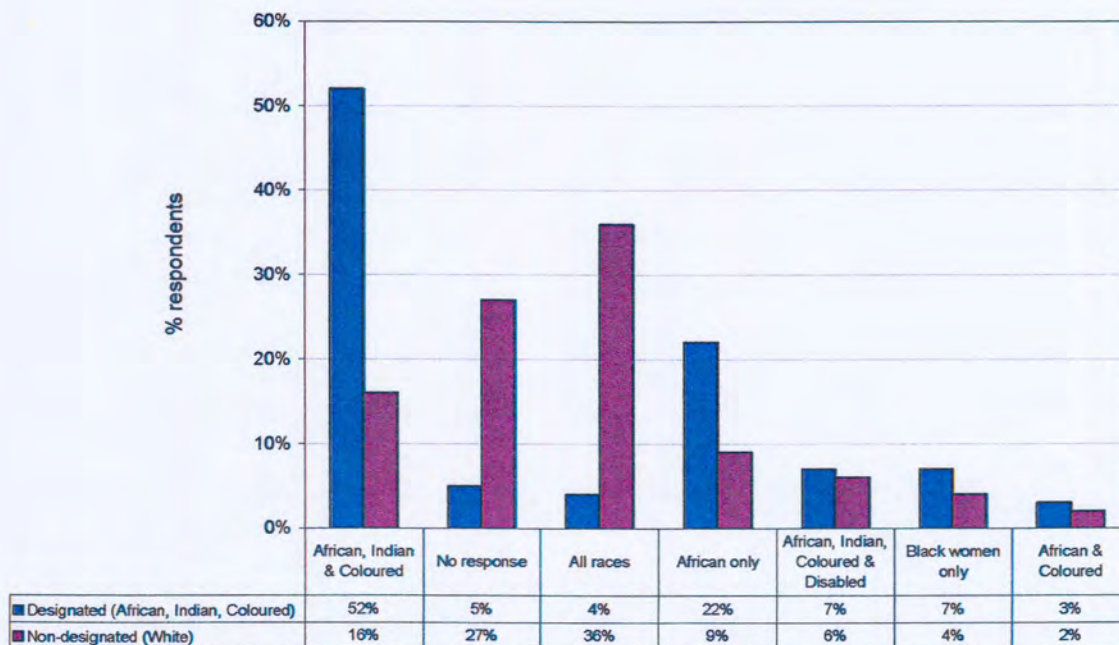


Figure 9 above reveals that the majority (31%) of the total sample indicated that Africans, Coloureds and Indians should comprise the designated group in Affirmative Action/Employment Equity programmes at South African institutions of Higher Education. This response satisfies to a large extent the requirements of the Employment Equity Act No. 55 of 1998. This was followed by 24% of the respondents who felt that all races should be included in the designated group. This calls for further in-depth analysis.

FIGURE 10 : ILLUSTRATING RESPONSES OF DESIGNATED AND NON-DESIGNATED GROUPS TO THE COMPOSITION OF THE 'DESIGNATED GROUP'



Hence, the Chi-Square test was used to test the level of difference in the responses of the designated group and the non-designated group concerning which race and/or others should comprise the 'designated group' in Affirmative Action /Employment Equity programmes (refer to Figure 10). The following

result was obtained : $\chi^2 = 67,86$; $df = 6$; $p < 0,05$ which indicates a significant difference in the responses between the two groups. The majority of the respondents from the designated group (52%) opted for Africans, Coloureds and Indians to be included in the 'designated group' while a small minority (16 %) from the non- designated (White academics) offered the same response. The response of the designated group is more or less in line with the definition of 'designated group' as set out in the Employment Equity Act No. 55 of 1998, while that of the non-designated group is significantly different. The rationale for this response is, perhaps, Africans, Coloureds and Indians felt that since they were unfairly disadvantaged in the past they should be the beneficiaries of Affirmative Action/Employment Equity programmes to rectify these injustices.

FIGURE 11 ILLUSTRATING THE RESPONSES OF THE DIFFERENT RACIAL GROUPS TO THE COMPOSITION OF THE 'DESIGNATED GROUP'

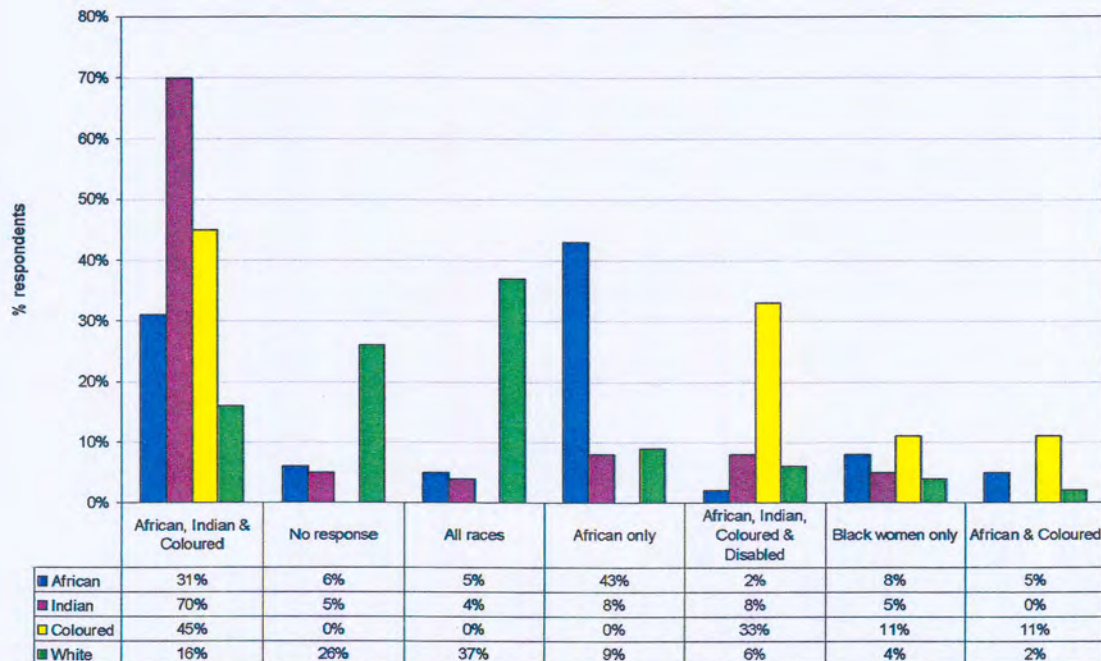


Figure 11 which illustrates the responses in terms of specific race groups indicates that the majority of Indian academics (70%) opted for the definition presented by the Employment Equity Act. They argue that they were also

disadvantaged and marginalized in the past and, therefore, should be included in this category which will give consideration to their plight. The following remark made by an Indian female academic during the personal interview bears testimony to this :

“During the apartheid era we were discriminated against because we were not White enough...Today we are not Black enough.”

This is consistent with trends internationally that allege that people intentionally organize themselves in order to qualify as beneficiaries once preferences/goals are established. For example, a very similar response prevailed in India where the Other Backward Classes sought to include themselves as beneficiaries of Reservation (Affirmative Action), a status that Thompson (1993 : 36) described as one that was **“heavily prized”** by the previously disadvantaged.

Interestingly the data also reveals that 26% of respondents from the non-designated group declined to respond to the question despite the fact that those who should comprise the ‘designated group’ is spelt out clearly in the Employment Equity Act No. 55 of 1998 and indirectly in the glossary of terms enclosed with the questionnaire. The probable reasons for this may be that :

- some members of the academic staff genuinely did not know who should comprise the designated group. However, what lies in contradiction to the assumption is the fact that 71% of the respondents indicated that they were moderately to well informed about the Employment Equity Act in Question 7 (refer to Figure 26);

- the respondents felt that there was no need for the concept 'designated group' to be introduced and were against preference being given to any such group on the basis of race or gender. In this regard the following comments were made in the questionnaire and during personal interviews by some of the respondents:

"I do not agree that there should be a designated group. AA/EE should be limited to all deserving candidates."

(White male Head of Department employed at a Historically White Institution(HWI)

" There should not be a designated group."

(White male Senior Lecturer employed at a Historically Black Institution (HBI).

"I would prefer that it [the designated group] was based on merit irrespective of race or gender ."

(White female lecturer employed at HWI)

- they objected to the use of racial descriptors in the new democracy with the following comments:

" I have a problem in our perpetuating racial labels and grouping in the hope of achieving EE."

(White female Head of Department employed at HWI)

"None! The definition of a designated group requires the re-introduction of a system of race relations - such a system in my view is thoroughly odious."

(White male Senior Lecturer employed at HWI)

Worthy of note is that only 6% of the total sample (Refer to Figure 9) included the Disabled and 5% included women specifically in their concept of the 'designated' group. A fuller discussion on the Disabled is beyond the scope of this study. However, what stands out is that the knowledge of the Employment Equity Act among the majority is open to question for, as illustrated in this case, more than 90% of the respondents excluded the Disabled in their proposed concept of the 'designated group' although it is categorically spelt out in the Employment Equity Act.

The data in Figure 10 also reveals that more than a third (36%) of the non-designated group claimed that the 'designated group' should include all race groups. In addition, some of the respondents answered 'none' while others answered 'South African' which implies that all races should be included. For the purpose of analysis these responses were placed in the 'all races' category. The following were some of the responses:

“None anymore.”

(White female lecturer employed at HWI)

“Nil- Think it does cover all.”

(White female lecturer employed at HWI)

“None. There should be no AA or EE.”

(Indian male Dean employed at HBI)

“All race groups proportionately.”

(White female Head of Department employed at HBI)

“None. The best person should get the job , irrespective of race or religion, etc.”

(White female Dean employed at HWI)

There were yet others who requested the inclusion of the ‘innocent White males’ who, they believe, were not involved in the discriminatory behaviour of Whites in the past. In this regard the following comment on who should be included in the ‘designated group’ was extracted from the questionnaire:

“Indians, Coloureds, Africans, White South Africans who were not of voting age during the apartheid rule.”

(White male Lecturer employed at HWI)

During the personal interview, an African academic from an HBI claimed that, while these young White adults did not participate in the abuses of the past they still enjoyed the spoils of their parents’ past actions such as good education, etc. On the other hand people of colour, during the apartheid regime which their White parents supported, were subject to poverty, poor education, psychological, emotional and financial burdens, especially in the townships and, therefore, their children are struggling to extricate themselves from the oppression their parents experienced.

If the ‘no responses’ illustrated in Figure 10 (27%) are interpreted to mean disagreeing with any particular race group being identified as members of the ‘designated group’ and combined with ‘all or no races’ responses (36%) an interesting finding emerges. It suggests that an overwhelming majority (63%) of respondents from the non-designated group (White academics) were reluctant to accept Africans, Coloureds and Indians to be the only beneficiaries of Affirmative Action/Employment Equity programmes.

Another interesting finding, illustrated in Figure 10, is that the second largest percentage of respondents (22%) from the designated group opted for only Africans to be included in the 'designated group'. Viewing the same scenario in terms of individual racial group responses (refer Figure 11), the majority (43%) of Africans wanted only Africans as against 31% who opted for Indians and Coloureds to be included with them. This suggests that African academics feel that greater preference should be given to them with regard to Affirmative Action/Employment Equity programmes rather than being cast together with Indians and Coloureds in the 'designated group'. From the interview data it was evident that Africans feel that they were more severely disadvantaged than Indians and Coloureds during the apartheid era and, therefore, only they should be the beneficiaries of the Affirmative Action/Employment Equity programmes. The following comment by a Black female lecturer at a Historically Indian institution of Higher Education reinforces this perception:

“ Primary , Secondary and Tertiary education for us Africans was of a lower standard than that of Indians and Coloureds let alone Whites...We also had much inferior resources.”

As indicated in Figure 11 Coloureds (0,0%) and Indians (8)% do not support the view that only Africans should be the sole members of the 'designated group'

In summary, therefore, it is evident that :

- the majority of respondents perceive Africans, Coloureds and Indians as legitimately comprising the 'designated group' for Affirmative Action/Employment Equity programmes in institutions



of Higher Education. Indian academics supported this proposal to the greatest extent;

- the majority of respondents from the non-designated group (White academics) are reluctant to accept Africans, Indians and Coloureds as the only beneficiaries of Affirmative Action/Employment Equity. They contend that Affirmative Action/Employment Equity programmes should cater for all races and oppose the use of racial descriptors as criteria for membership to the 'designated group'. Naidoo *et al.* (2001 : 50) observed the same reason for resistance to Affirmative Action/Employment Equity in their study of thirty one Higher Education institutions in South Africa; and,
- while a large percentage of the African academics agreed with the proposal to include Indians and Coloureds with them as members of the 'designated group', a significant majority of them perceive themselves as being more deserving and, therefore, only they should be included in the 'designated group'.

Contrary to the view of the White academics in the study, Nell and van Staden (1988 : 19) view the use of racial descriptors as important for redressing previous racial inequities. They believe that :

“Redressing racial inequities in a society requires free use of racial labels; polite avoidance of such labels in scientific inquiry or academic debate is not neutral, but tacitly supportive of the status quo.”

This polite academic behaviour which is typified by staying out of politics and avoiding racial descriptors can be construed as a way of evading personal accountability for failure to engage with the moral demands made by the South African society.

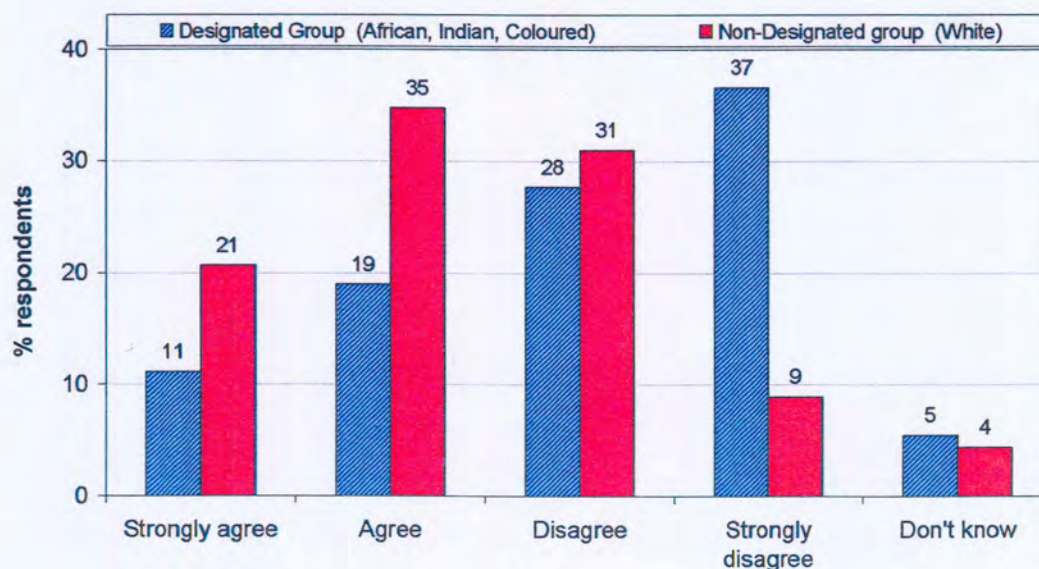
Regarding the criticism that race is a morally irrelevant characteristic in a democratic society, proponents of Affirmative Action/Employment Equity in the literature argue that this very characteristic had been made morally relevant and was used as the main criterion for discrimination in South African Higher Education in the past. They argue that to eliminate such discrimination it is necessary to consider one's race because it was the very factor that was responsible for discrimination in the first place. As indicated in the literature review, among others, three judges from abroad, viz., Blackmun (1978: ace-webset.nche.edu/bookstore/descriptions/making_the_case/critics/counter.html), Vierdag cited by Ronalds (1988 : 15) and Powell (1978 : 324) ruled in favour of race as one of the considerations for the implementation of Affirmative Action. Powell ruled that, in engaging Affirmative Action, race may be considered when necessary to eliminate what the Court referred to as manifest racial or gender imbalances. Given the aforementioned analysis the findings in this research would provide a major challenge for South African institutions of Higher Education and also a useful area for further research.

6.8.2.2 Affirmative Action and Reverse Discrimination

Reverse discrimination is often viewed as being synonymous with Affirmative Action and has consequently given Affirmative Action/Employment Equity a negative connotation. Many South Africans high-mindedly reject Affirmative Action as a new kind of racial discrimination (Nell and van Staden, 1988:19). What they are perhaps not aware of is that, if correctly applied, Affirmative Action is a value-

governed and morally principled way of redressing social wrongs. However, little or no empirical evidence is available locally to support the view that Affirmative Action is regarded as reverse discrimination by academics at institutions of Higher Education in South Africa. Question 6.1 required respondents to state their level of agreement/disagreement with whether they perceived Affirmative Action as a form of reverse discrimination. The responses of those from the designated and non-designated groups are illustrated in Figure 12 below:

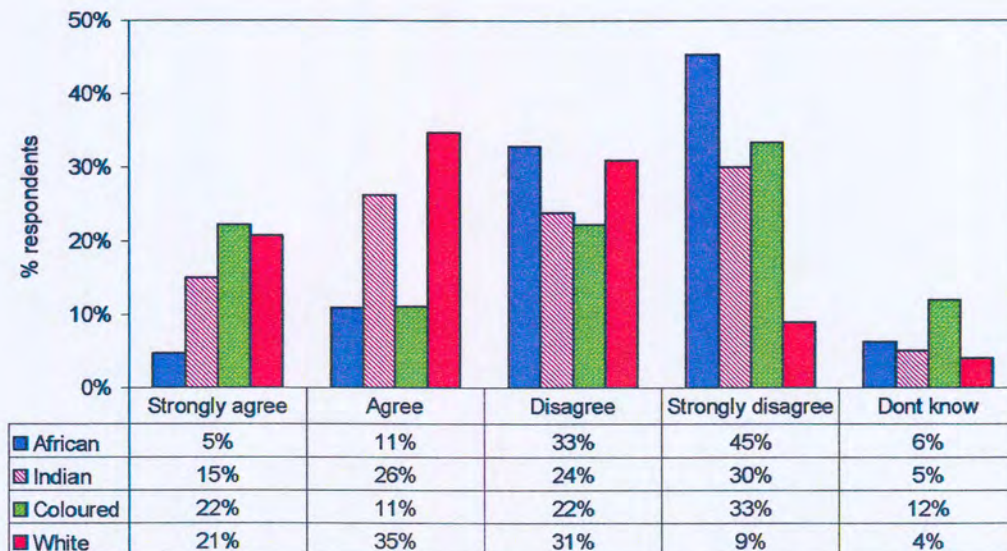
FIGURE 12 : ILLUSTRATING ACADEMIC STAFF RESPONSE TO WHETHER AFFIRMATIVE ACTION IS PERCEIVED AS REVERSE DISCRIMINATION



A comparison of the responses of the designated group and the non-designated group shows that there is a significant difference ($\chi^2 = 23,378$; $df = 2$; $p < 0,05$). The majority (56%) of the respondents from the non-designated group agreed/strongly agreed that Affirmative Action is a form of reverse discrimination. Naidoo *et al.* (2001: 50), in a national survey of Higher Education institutions in South Africa, made a similar

finding where it was argued that the principle of Affirmative Action perpetuates racial classification and amounts to racism in reverse. This view is consistent with the findings in the USA where, in the initial years of Affirmative Action implementation, it was challenged as a form of reverse discrimination by academics. Benokraitis and Feagin (1978 : 51) maintain that this was due to a large extent to the lack of understanding of the concept.

FIGURE 13 : ILLUSTRATING THE RESPONSES OF THE VARIOUS RACIAL GROUPS TO WHETHER AFFIRMATIVE ACTION IS PERCEIVED AS REVERSE DISCRIMINATION



On the other hand the majority (65%) of the respondents from the designated group disagreed/strongly disagreed with this perception. This is expected given that they are classified as beneficiaries of Affirmative Action/Employment Equity and have more to gain from it being not regarded as reverse discrimination. Given this argument it is surprising that 30% of the designated group agreed. On further in-depth analysis (refer to Figure 13) it was noted that of the thirty percent that agreed a

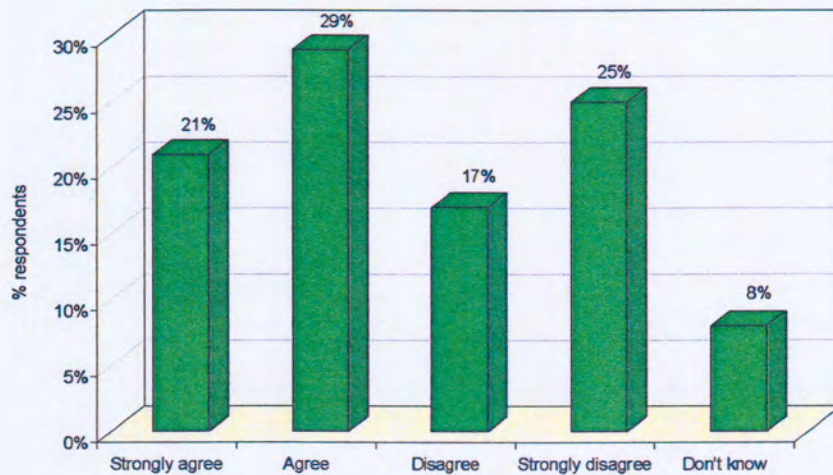
large percentage of the responses came from Indian (41%) and Coloured (33%) academics. During the personal interviews some Indian and Coloured academics articulated that they are being side-lined in Affirmative Action/Employment Equity programmes in so far as recruitment and promotion were concerned.

What is significant is that the majority of respondents from the non-designated group perceived Affirmation Action as a form of reverse discrimination. This has major implications for attaining Employment Equity in Higher Education in South Africa, given that 77% of the academics in Higher Education are from the non-designated group and most of them holding decision-making and managerial posts (Subotsky, 2001 : 24).

6.8.2.3 Affirmative Action and Tokenism

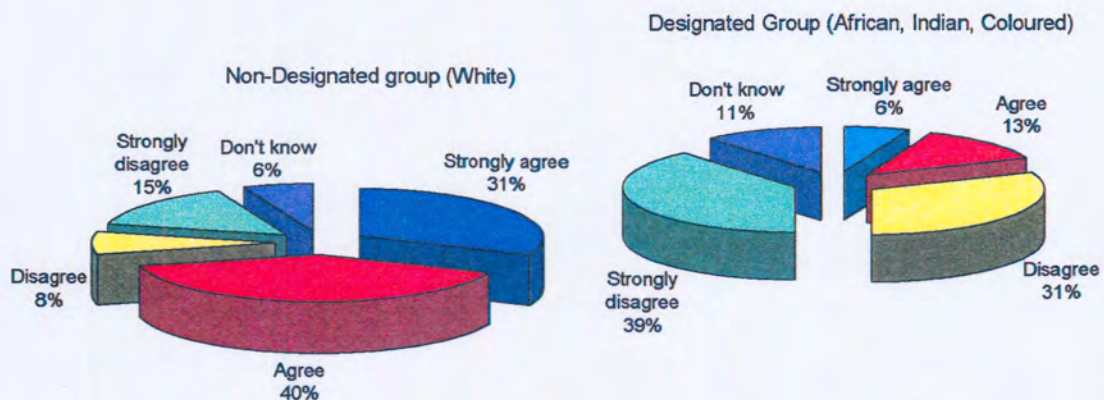
Some of the practices with regard to recruitment and promotion of persons of colour are allegedly undertaken under the guise of Affirmative Action merely to create a better staff profile or for socio-political expediency rather than a genuine attempt to transform the human resources practices at institutions. In such instances members of the disadvantaged group are given token positions which have little or no important functions within the institution or they are deliberately recruited or promoted to positions that are beyond their level of competence so that Affirmative Action fails. Much of such practices arise from a failure to understand the principles of Affirmative Action. In this regard Nell and van Staden (1988:19) maintain that many South Africans reject Affirmative Action on the basis that it is a form of tokenism. However, little or no empirical data is available to justify this claim among academics in Higher Education. The responses are indicated in Figures 14 and 15.

FIGURE 14: ILLUSTRATING RESPONSES OF THE TOTAL SAMPLE TO WHETHER AFFIRMATIVE ACTION IS PERCEIVED AS TOKENISM



The majority of the total sample agreed/strongly agreed (50%) that Affirmative Action and tokenism are the same. Forty two percent disagreed/strongly disagreed with this view.

FIGURE 15: ILLUSTRATING RESPONSES OF DESIGNATED AND NON-DESIGNATED GROUPS TO WHETHER AFFIRMATIVE ACTION IS PERCEIVED AS TOKENISM



On further in-depth analysis the Chi-Square Test result ($X^2=31,6$; $df=4$; $p > 0,05$) based on the responses in Figure 15 revealed that a significant difference between the responses of the designated group and the non-



designated group regarding their perceptions of Affirmative Action as being tokenism with a majority (70%) of the designated group disagreeing/strongly disagreeing with this view and the majority of the non-designated group (71%) agreeing. The responses of the designated group is consistent with the general consensus of proponents in the literature abroad and with the views of Sarakinsky (1993 :7) and Maphai (1992 : 7) locally.

The responses of the total sample of which the non-designated group formed the majority support the claim of Nell and van Staden mentioned earlier. It is also consistent with the views of Innes (1993 (a) :15), Human (1991 :16) and Ramphele (1994 : 12) whose generalisation about tokenism being often misconstrued as a form of Affirmation Action was based on their studies predominantly in the private sector.

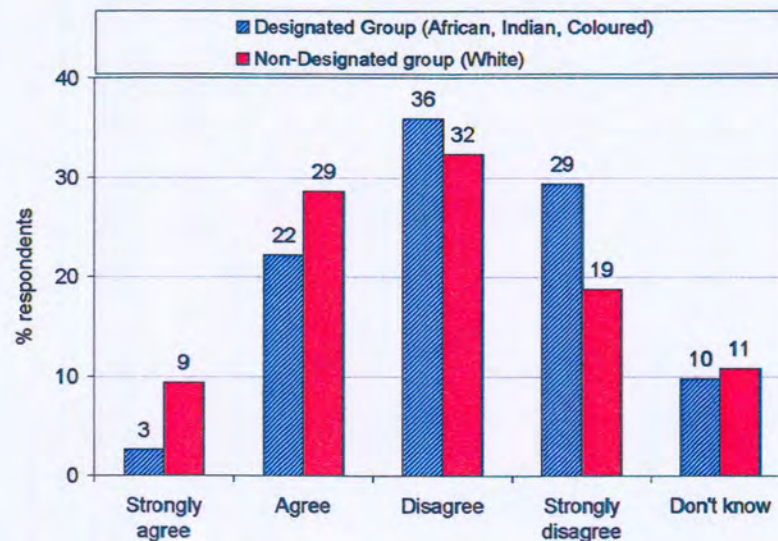
The perception of the majority that Affirmative Action subscribes to tokenism, again suggests that they do not understand the basic principles that underline Affirmative Action, the proponents of which frown against token appointments. If this is true it has severe repercussions for Higher Education in that the literature is replete with evidence that token appointments result in inefficiency and drop in standards (Sarakinsky, 1993 : 7; Innes, 1993(a) : 15, Ramphele, 1994 : 12) among others.

6.8.2.4 Affirmative Action and Entitlement

Entitlement is yet another concept associated with Affirmative Action by its opponents in an attempt to discredit it. In terms of entitlement an individual is appointed merely on the basis of the fact that he/she belongs to the designated group which is considered as the main factor entitling him/her to the job and not because of his/her ability and potential to succeed in the job. The literature reveals that such practice has led to the failure of the so-called Affirmative Action beneficiaries at their jobs.

Figure 16 below reveals the responses of those from the designated and non-designated groups related to their perception of entitlement as a form of Affirmative Action.

FIGURE 16: ILLUSTRATING RESPONSES TO WHETHER AFFIRMATIVE ACTION IS PERCEIVED AS A FORM OF ENTITLEMENT



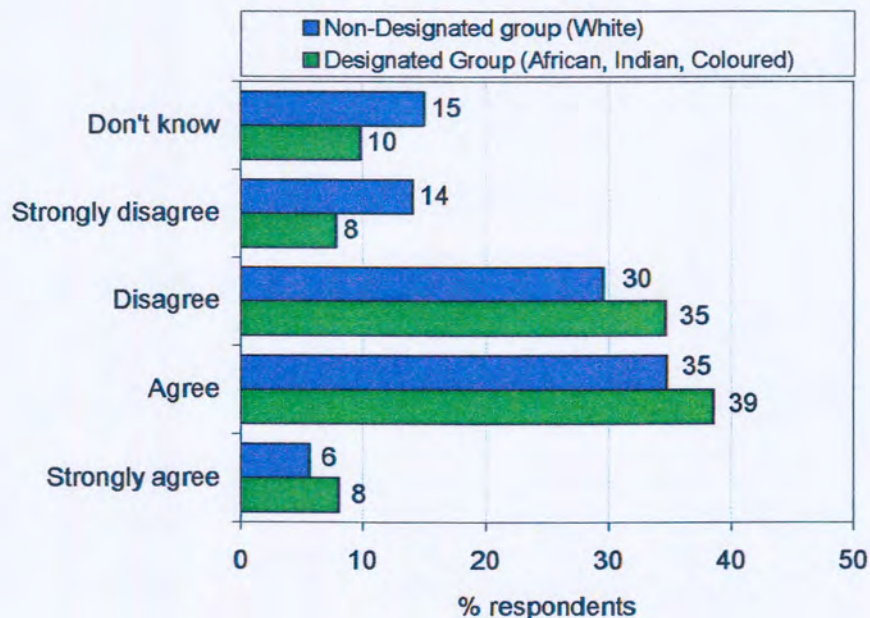
As indicated in Figure 16 the majority of both the designated group (65 %) and the non-designated group (51%) disagree/strongly disagree that Affirmative Action is a form of entitlement for the previously disadvantaged. This finding is consistent with the view of the Carnegie Council on Policy Studies in Higher Education in the USA (1975 :1-2) which categorically declared that Affirmative Action **“does not mean entitlement to proportionate representation”** and also dispels Sowell’s (1990 :123-124) claim that this **“sense of entitlement ... independent of skills or performance ... has long been an accompaniment of preferential policies”**. The value of such a perception by academics in institutions of Higher Education in South Africa is that it is a positive signal that academics will refrain from such practices or object to such practices being implemented under the guise of Affirmative Action. Also given the finding that entitlement is not perceived to be associated with Affirmative Action/ Employment Equity supporters of it will ensure that quality individuals from the designated group will be recruited because of their

ability and potential rather than merely because of their skin colour or because they fall into the designated group.

6.8.2.5 Equality of Opportunity vs Equity in the Context of Affirmative Action/ Employment Equity

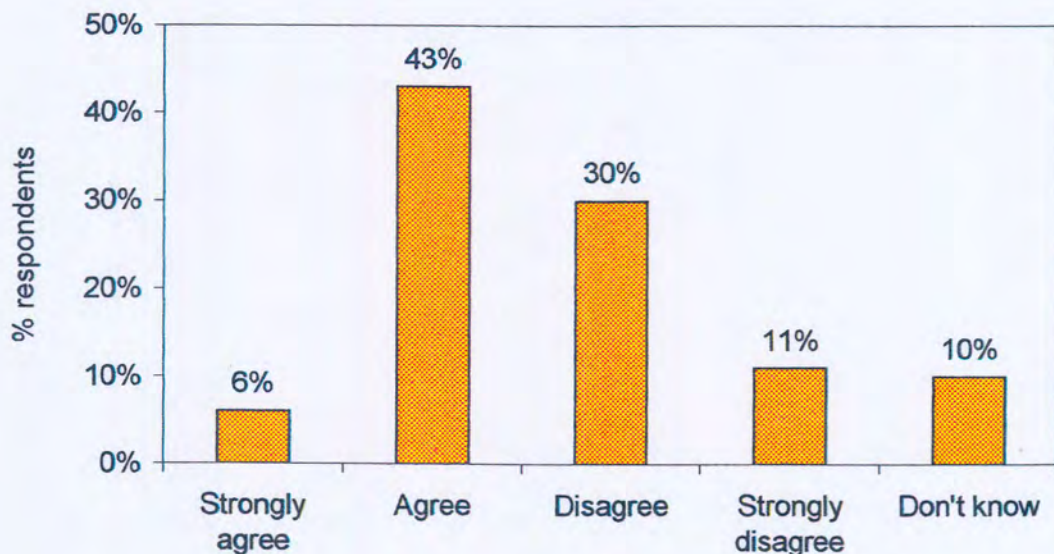
The principle of equality of opportunity is the central tenet of Affirmative Action/Employment Equity and is viewed as a crucial mechanism to overcome inequalities experienced by those who were discriminated against in the past. However, the experiences in the various countries reviewed reveal that prohibition of discrimination by merely introducing a policy of formal equality of opportunity on its own is a necessary condition but not a sufficient one to remedy the profound social effects of past discrimination. Given this background respondents were asked whether they perceived Equity and equality of opportunity as meaning the same in the context of Affirmative Action and Employment Equity. Figures 17 and 18 show the responses of the academic staff

FIGURE 17 : ILLUSTRATING RESPONSES TO WHETHER EQUALITY OF OPPORTUNITY AND EQUITY ARE PERCEIVED AS THE SAME IN THE CONTEXT OF AFFIRMATIVE ACTION/EMPLOYMENT EQUITY



The Chi-Square test was used to analyse the data illustrated in Figure 17. The responses of the designated group compared with that of the non-designated group indicate that there is no significant difference ($\chi^2 = 3,654$; $df = 2$; $p < 0,05$) in their perception of equality of opportunity and Equity. The majority (44%) of the respondents from the non-designated group disagreed/strongly disagreed and 41% agreed/strongly agreed that equality of opportunity and Equity mean the same in the context of Affirmative Action/Employment Equity. In the case of the designated group the majority 47% agreed/strongly agreed and 43% disagreed/strongly disagreed. What is also significant is that fifteen percent of the respondents from the non-designated group and ten percent from the designated group indicated that they did not know the difference between equality of opportunity and Equity.

FIGURE 18 : ILLUSTRATING RESPONSES OF MANAGEMENT STAFF TO WHETHER EQUALITY OF OPPORTUNITY AND EQUITY MEAN THE SAME IN THE CONTEXT OF AFFIRMATIVE ACTION/ EMPLOYMENT EQUITY





If the percentage of respondents agreeing that equality of opportunity and Equity mean the same in the context of Affirmative Action/Employment Equity is interpreted as that percentage of respondents who do not know the difference between the concepts, then combining these responses with the responses of those who indicated that they do not know the difference, reveals that more than half of the respondents from the non-designated (56%) and designated group (58%) are unaware of the crucial difference between Equity and equality of opportunity that is so important to the successful implementation of Affirmative Action/Employment Equity. What makes the situation even more precarious is that almost half of the managers in the study (49%) believed that the concepts Equity and equality of opportunity mean the same and in addition approximately 10% of them did not know the difference at all (refer to Figure 18).

This has serious implication for the acceptance and, more importantly, the implementation of Affirmative Action/Employment Equity programmes at institutions of Higher Education because it is on the concept Equity (complex equality) that Affirmative Action and Employment Equity are 'parasitic'. The implications are that managers as well as others with supervisory duties will be comfortable applying the same rules and practices to all academics equally under the guise of equality of opportunity in a society already ridden with discriminatory legacies. This is contrary to the view of the plethora of research in this field which overwhelmingly supports the application of the principle of Equity as against formal equality of opportunity for all in order to expedite Employment Equity for those who were previously disadvantaged (Van Dyke, 1990 : 22; Singh, 1996 : 55-56; Subotsky, 1998 (a) : 3; Burton, 1997 : 180-181; Young, 1990 : 26; Ramphele, 1994 : 8 and Cunningham, 1999 : 2). Cunningham (1999 : 2), referring to The Mandal Commission in India succinctly encapsulates the view of supporters in the

literature in the following words:

“People who start their lives at a disadvantage rarely benefit significantly from equality of opportunity ... Equality of opportunity is an asocial principle, because it ignores the many invisible and cumulative hindrances in the way of the disadvantaged .”

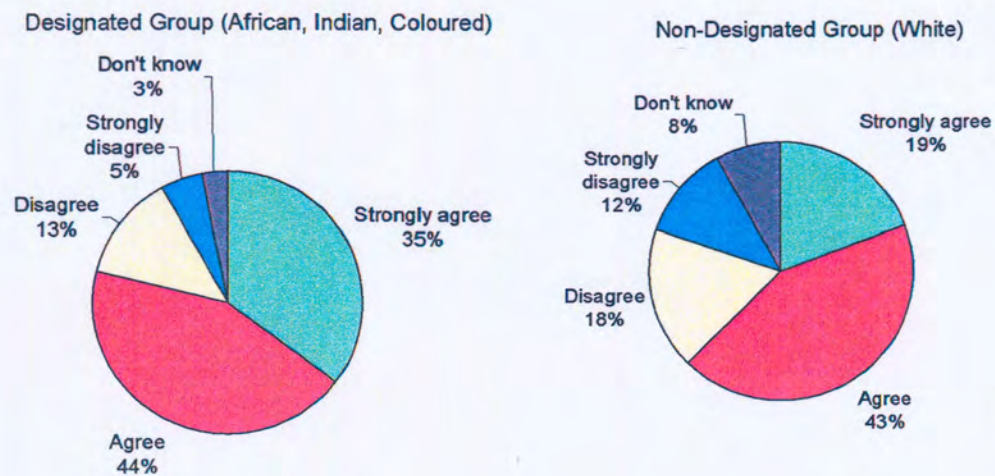
For it to be a sufficient condition true, real or substantive equality of opportunity (termed Equity in the literature) must be employed so that additional enabling conditions (special measures, opportunities and institutional practices) are provided to help overcome the many visible, invisible and cumulative hindrances, obstacles and barriers that confront the already disadvantaged. Therefore, understanding the crucial difference between Equity and formal equality of opportunity and implementing the principles of Equity, especially in South Africa, are essential for the successful implementation of Affirmative Action/ Employment Equity.

This lack of understanding of the essential difference between Equity and equality of opportunity will have an adverse effect on the previously disadvantaged academics if formal equality of opportunity is applied to all uniformly. Although the new South African Constitution’s guarantee of equal opportunity is a significant one, by itself it would be little more than a symbolic gesture in that indirect discrimination would still occur even though the rules and practices may appear neutral. By this is meant that the rules and practices might appear fair in form and intention but would be discriminatory in impact and outcome. This would not be reasonable under the circumstances in South African Higher Education institutions given its legacy of apartheid. Affirmative Action/Employment Equity in South African institutions of Higher Education cannot be neutral; it is a response to a system that is not neutral.

6.8.2.6 Affirmative Action/Employment Equity and ‘Degrees of Disadvantage’

The responses to the question on ‘degrees of disadvantage’ are indicated in Figures 19 and 20.

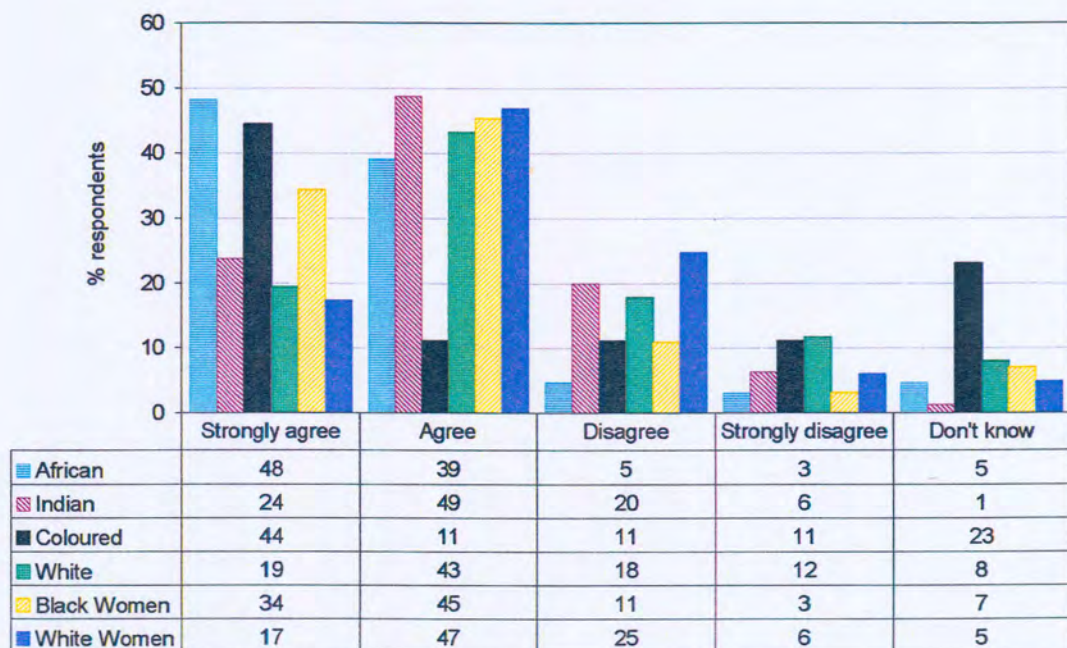
FIGURE 19 : ILLUSTRATING RESPONSES OF DESIGNATED AND NON-DESIGNATED GROUPS TO WHETHER ‘DEGREES OF DISADVANTAGE’ SHOULD BE CONSIDERED IN AFFIRMATIVE ACTION/EMPLOYMENT EQUITY EFFORTS



The analysis of the data in Figure 19 reveals that the majority of the respondents in the designated group (79%) and non-designated group (62%) contend that ‘degrees of disadvantage’ should be taken into account when identifying Affirmative Action/Employment Equity beneficiaries. The results of the Chi-Square test reveal that there is a significant difference in the responses of the designated group compared to the non-designated group ($\chi^2 = 9,931$; $df = 2$; $p < 0,05$) with 17% more respondents from the designated group agreeing.

This indicates that there is overwhelming support that 'degrees of disadvantage' should be considered for Affirmative Action/Employment Equity programmes in Higher Education. According to the CHET Report (1999 : 12) this is the answer often sought in Higher Education workshops.

FIGURE 20 : ILLUSTRATING RESPONSES OF THE DIFFERENT RACE GROUPS AND WOMEN TO WHETHER 'DEGREES OF DISADVANTAGE' SHOULD BE CONSIDERED IN AFFIRMATIVE ACTION/EMPLOYMENT EQUITY EFFORTS



Evident in the data in Figure 20 is that the African race group felt the strongest (87%) about 'degrees of disadvantage' being considered in Affirmative Action/Employment Equity programmes in Higher Education. The reason for this response as elicited during the personal interviews is that Africans in general are considered to have suffered more severely socially, economically, politically and educationally than Indians and Coloureds under apartheid rule. With regard to education, in particular, Africans had a more under-resourced and poor education. Also very few

African academics were appointed at Higher Education institutions although, in many cases, the institutions were only for Africans. Therefore, in view of the severe disadvantages experienced by Africans in the past and the lingering effects that continue to persist, many Africans feel that they should be given greater preference in Affirmative Action/Employment Equity programmes over Indians and Coloureds.

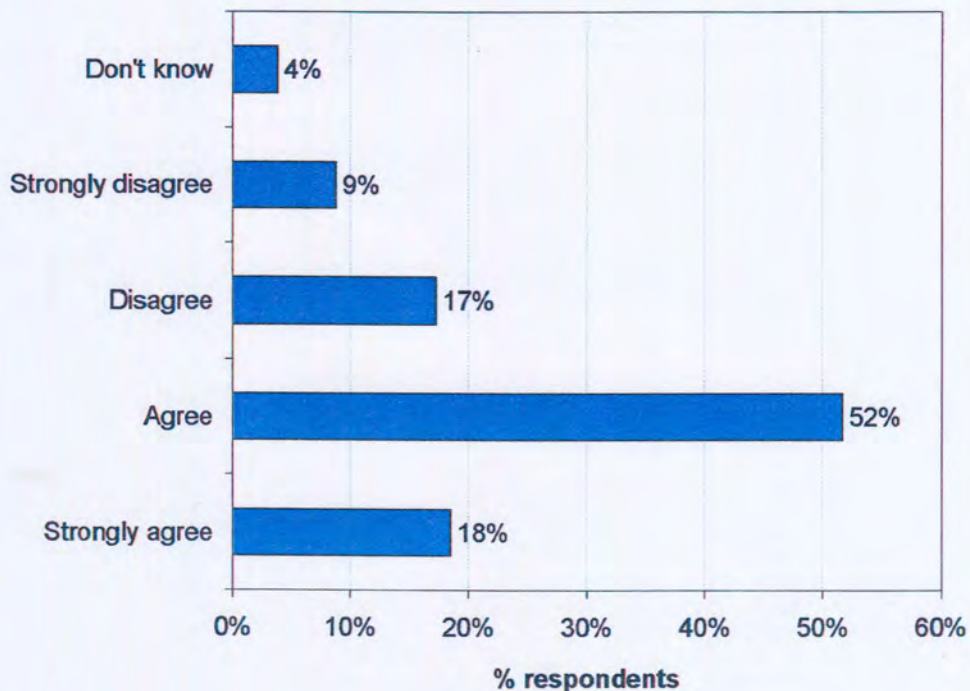
Also evident in Figure 20 is the greater support for consideration of 'degrees of disadvantage' as a criteria in Affirmative Action/Employment Equity programmes by Black women (79%) over White women (62%). What emerged during the personal interview is that Black women felt that they should be given preference over and above men and White women. The rationale for this assertion is that the injustices levelled against Black women in the past were of greater magnitude than that inflicted on others in South Africa as they were subjected to the 'double indignity' of race and gender discrimination. This view is also supported in the literature, *inter alia*, by Mjoli (1990 : 19-20), and Moore and Wagstaff (1974 : 92).

6.8.2.7 Affirmative Action/Employment Equity Efforts based on Potential to Succeed and not Academic Merit alone

Critics of Affirmative Action claim that it violates the merit system. Proponents of Affirmative Action, on the other hand, assert that the traditional criteria are culturally biased and should, therefore, be reviewed to cater for the changing circumstances at institutions of Higher Education in South Africa. They claim that this criteria is often not totally relevant to the actual performance or efficiency required in the job and that the overemphasis on academic merit, such as advanced degrees, which Blacks were denied in the past, is often used to exclude women and Blacks from certain positions of privilege and power at Higher Education institutions. Therefore, those characteristics that directly impact on job performance should be identified rather than academic qualifications only. This would enable members from the 'designated group' who have the

ability and potential to succeed but do not possess high qualifications to qualify for appointment at institutions of Higher Education. Given the aforementioned item 6.6 was included in the questionnaire to gauge the perceptions and attitudes of academics towards basing Affirmative Action/Employment Equity efforts on potential to succeed as well rather than academic merit alone. The responses of the academic staff are indicated in Figure 21 below :

FIGURE 21 : ILLUSTRATING RESPONSES TO BASING AFFIRMATIVE ACTION/EMPLOYMENT EQUITY EFFORTS ON POTENTIAL TO SUCCEED AND NOT ON ACADEMIC MERIT ALONE



The data in Figure 21 reveal that the majority (70%) of the total sample agree/strongly agree that Affirmative Action/Employment Equity efforts should be based on the potential to succeed as well and not only on academic merit. The Chi-Square Test result ($\chi^2 = 4,975$; $df=2$; $p > 0,05$) shows that there is no significant difference in the responses between the designated and non-designated groups towards basing Affirmative Action/Employment Equity efforts on the potential to succeed as well

rather than on academic merit alone. Both the designated group (76%) and the non-designated group (66%) agreed with this viewpoint. This finding is supported in the literature, *inter alia*, by Ezorsky (1991 : 88) and Praeger (1986 : 32).

This augurs well for the implementation of Affirmative Action/Employment Equity programmes in Higher Education institutions. It suggests that there is a willingness on the part of academicians to redefine or reconceptualise the criteria for hiring to accommodate the previously disadvantaged Blacks and women in institutions of Higher Education. Hence, Affirmative Action and Employment Equity, by introducing measures to over-ride the traditional criteria for appointment, enshrine rather than displace the merit principle. By agreeing that appointments should not be made on the basis of academic qualifications alone removes its past exclusionary racial impact thereby making way for a larger number of the previously disadvantaged Blacks and women to be included in the pool of applicants.

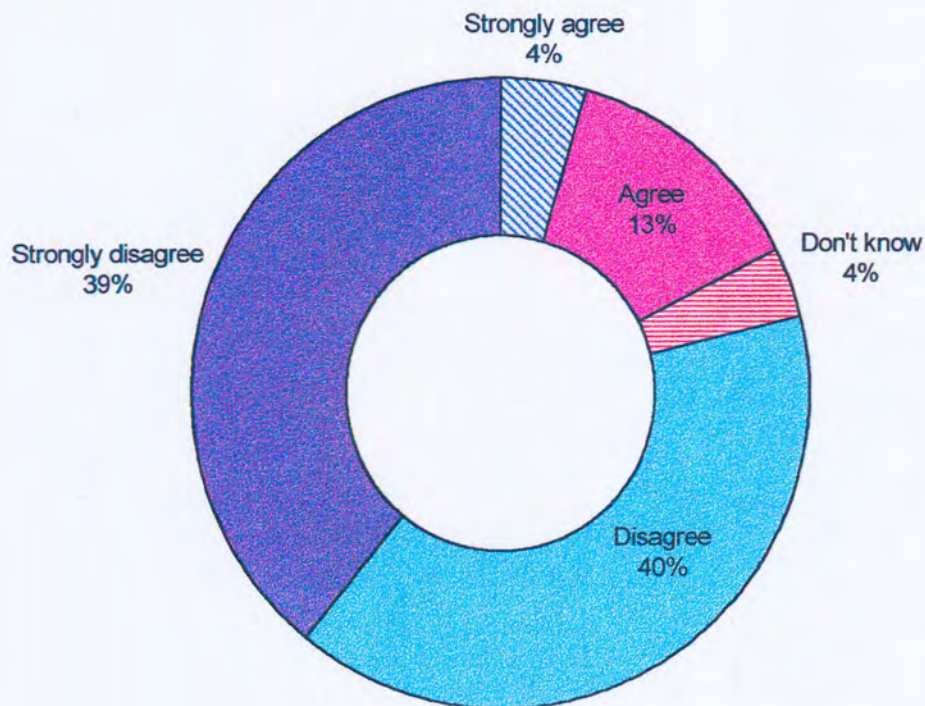
Traditional criteria for hiring generally limited the supply pool to White males who were part of the 'old boy' network. The reconceptualising of appointment criteria seeks to correct this exclusionary practice by increasing the supply pool to include Blacks and women to compete for jobs. Affirmative Action/Employment Equity, therefore, does not violate the merit system. Instead it provides an opportunity for more qualified candidates from the previously disadvantaged group to compete for jobs.

6.8.2.8 Affirmative Action/Employment Equity and Rigid Quotas

The literature on the subject reveals that quotas imply a rigid, inflexible, mandatory requirement of institutions of Higher Education to appoint fixed numbers of academics from the designated group onto their staff irrespective of whether they are adequately qualified for the respective positions or not. Question 6.7 in the questionnaire was introduced to test

the perceptions and attitudes of the academic staff towards the issue of rigid quotas as a mechanism for the appointment of persons from the designated group. The data on the responses to the above question are indicated in Figures 22, 23 and 24.

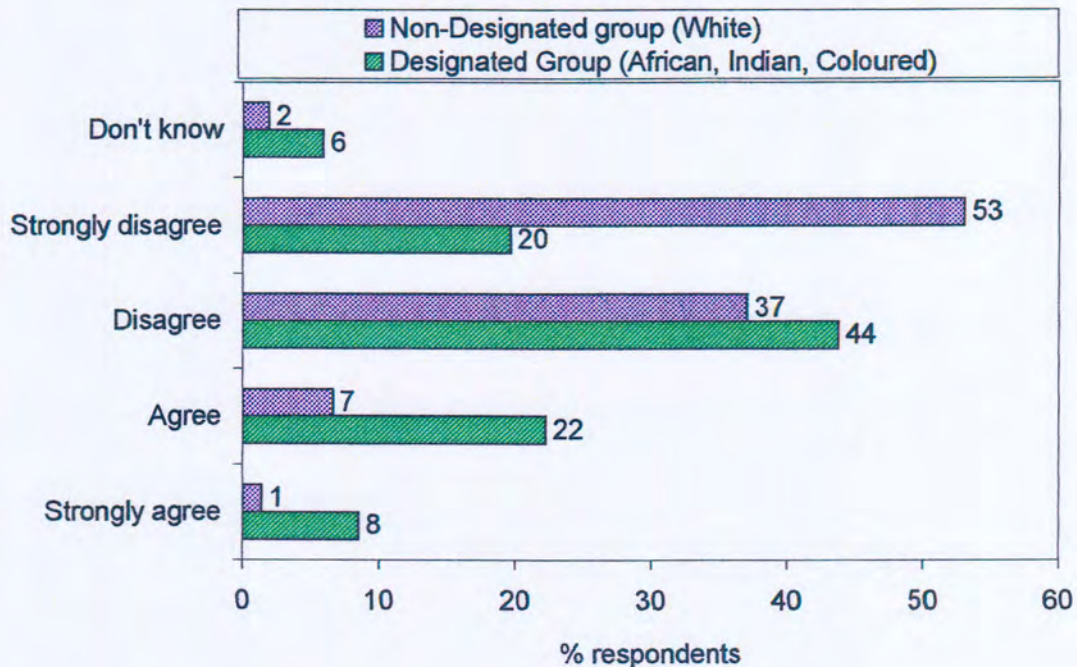
FIGURE 22 : ILLUSTRATING RESPONSES OF THE TOTAL ACADEMIC STAFF TO AFFIRMATIVE ACTION/EMPLOYMENT EQUITY APPOINTMENTS BASED ON RIGID QUOTAS



According to Figure 22 an overwhelming majority (79%) of the total sample disagreed/ strongly disagreed with the use of rigid quotas as a means of ensuring the appointment of persons from the designated group. A relatively small minority of 17% agreed that rigid quotas should be adopted. Notable also is the finding that a large majority of the management staff (84%), who are usually responsible (with others) for setting targets/goals related to Affirmative Action/Employment Equity programmes, also disagreed with the use of rigid quotas.

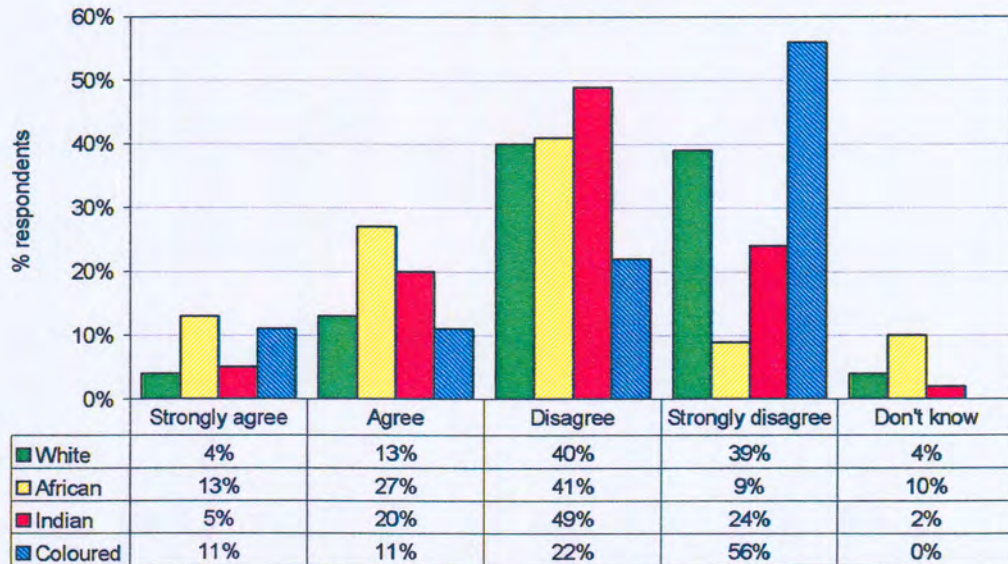


FIGURE 23 : ILLUSTRATING THE RESPONSES OF THE DESIGNATED AND NON-DESIGNATED GROUPS TO THE USE OF RIGID QUOTAS IN AFFIRMATIVE ACTION/EMPLOYMENT EQUITY APPOINTMENTS



The Chi-Square test applied to the responses of the designated and non-designated groups (refer to figure 23) reveals a significant difference in the responses between both groups. ($\chi^2 = 35,410$; $df = 2$; $p < 0,05$) with regard to the adoption of rigid quotas in Affirmative Action/ Employment Equity appointments. The majority of the respondents from the non-designated group (90%) and the designated group (64%) opposed the use of quotas. This is supported in the literature by a host of critics from abroad, viz., Bunzel (1972(a) : 8), Rachels (1993 : 217), Fleming *et al.* (1978 : 86), Pottinger (1972(a) : 29) and Fullinwider (1980: 162). In addition, this view is also supported locally by Ramphele (1994: 28), Innes (1993(a) : 12), Maphai (1992 : 7), Human (1991 : 16) and Sachs (1993(a) : 141).

FIGURE 24 : ILLUSTRATING THE RESPONSES OF THE DIFFERENT RACIAL GROUPS TO THE USE OF QUOTAS IN AFFIRMATIVE ACTION/EMPLOYMENT EQUITY EFFORTS



Q6.7

According to the data in Figure 23 almost a third of the respondents from the designated group (30%) agreed that a rigid quota system is the only means of ensuring the appointment of persons from the designated group. The data in Figure 24 indicates that the majority (40%) from the designated group who agreed were African academics. This view may be attributed to the limited and slow change in the African staff profile of Higher Education institutions over the last few years, as described by Subotsky (2001 : 37). During the personal interviews some African academics stated in strong terms that mandatory rigid quotas need to be introduced to speed up the process. One African female academic from HWI said :

“ the process of Employment Equity is moving at a snail’s pace ... it is taking too long ... I think we should kick-start the process with compulsory quotas and when there is visible progress we can revert to setting targets for the future.”

In this regard it must be noted that the countries that adopted rigid quotas (reviewed in Chapter 4) were most unsuccessful in realizing the objective of redressing past inequities. However, there was support against the use of quotas, both in the survey and in the personal interviews. Nevertheless, cognisance must be taken of the fact that thus far the system employed to bring about Employment Equity in Higher Education has not been effective enough. In conclusion, therefore, the objection to implementing rigid quotas by academics at institutions of Higher Education in KZN should be treated seriously by the government of the day if Affirmative Action /Employment Equity programmes are to succeed.

6.8.2.9 Affirmative Action/Employment Equity and the 'Goals and Timetable Strategy'

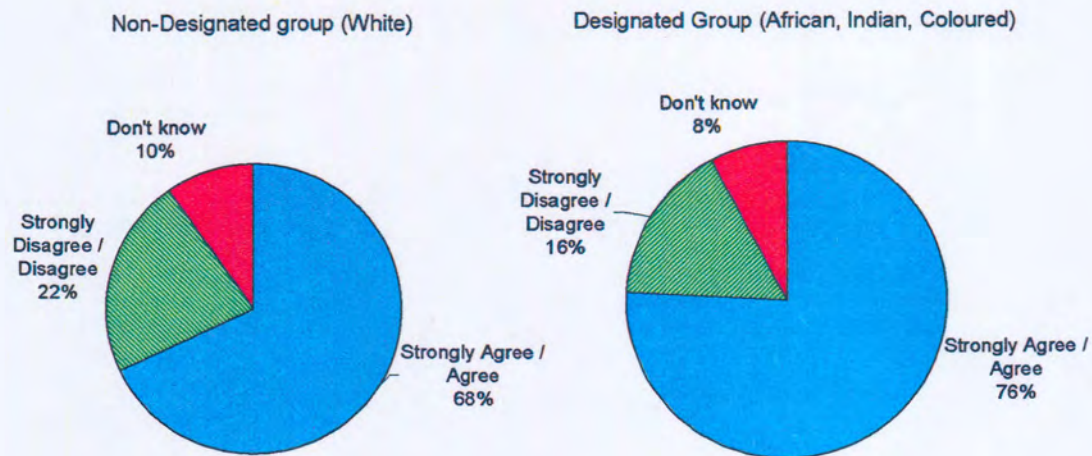
Goals and timetables are realistically attainable, flexible, numerical targets or objectives. It is one of the strategies used to expedite Employment Equity in Higher Education and is a very important management tool to enable the institution to assess its level of progress in attaining Employment Equity. In view of the confusion and controversy in the literature (refer to Chapter 2) that surround the concepts 'goals and timetables' and 'quotas' and the continued equating of goals with quotas by those who vehemently reject the distinction between them, question 6.8 was introduced in the questionnaire to test the attitudes and perceptions of academics towards the use of 'goals and timetables' as a means of ensuring progress in Affirmative Action/Employment Equity efforts. The responses to this question are indicated in Table 2 and Figure 25.

TABLE 2 : RESPONSES TO THE 'GOALS AND TIMETABLE STRATEGY' IN AFFIRMATIVE ACTION/EMPLOYMENT EQUITY EFFORTS

RESPONSE	% OF TOTAL SAMPLE
Strongly agree	19
Agree	53
Disagree	14
Strongly Disagree	6
Don't Know	8
TOTAL	100

The data in Table 2 reveal that the majority (72 %) of the total sample agree/strongly agree with the perception that the 'goals and timetable strategy' is a more acceptable strategy of ensuring progress in Affirmative Action/Employment Equity efforts while 20% disagreed/strongly disagreed. A probable reason for this high degree of support is the non-rigidity, flexibility and usefulness of goals as a tool to assess the progress of the institution in its attempt to achieve Employment Equity and more importantly it is not mandatory.

FIGURE 25 : ILLUSTRATING RESPONSES OF THE DESIGNATED AND NON-DESIGNATED GROUPS TO THE 'GOALS AND TIMETABLE STRATEGY'



In comparing the responses of the designated group with the non-designated group the Chi-Square Test result ($\chi^2 = 2,634$; $df=2$; $p > 0,05$) reveals that there is no significant difference. The majority from the designated group (76%) and the non-designated group (68%) favour the 'goals and timetable' approach as a strategy of ensuring progress in Affirmative Action/Employment Equity efforts (refer to Figure 25).

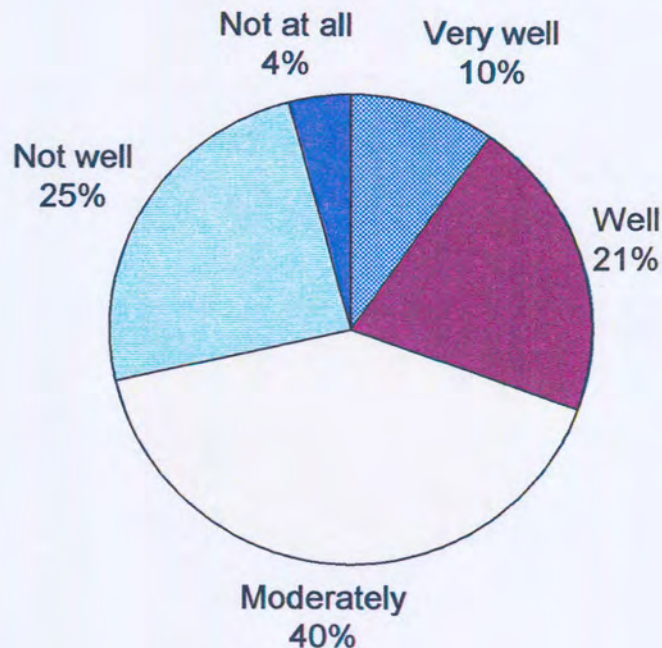
This finding is consistent with the views of Pottinger (1972 (b) : 24), Holmes (1974 : 4), Human (1995 : 55), Faundez (1994 : 60) and Fullinwider (1980: 160). In fact Human (1995 : 55) in strong support, claims that **"The setting of numerical targets is indispensable to any Affirmative Action programme"**.



6.8.3 KNOWLEDGE, AWARENESS AND DISSEMINATION OF AFFIRMATIVE ACTION/EMPLOYMENT EQUITY POLICY

The importance of cascading information through an organization and monitoring it to ensure that it is disseminated effectively and on time, all the time, cannot be underestimated. The importance of adequate publicity of the Employment Equity Act is imperative. Without this, *inter alia*, the process of setting up of a representative consultative body could not be successfully achieved (Naidoo *et al.*, 2001 : 42). A detailed communication strategy is, therefore, necessary. Questions 7 - 8.1 in the questionnaire test the knowledge of the academic staff on the Employment Equity Act and related Affirmative Action/Employment Equity programmes. The responses to the question of how well informed academic staff are of the Employment Equity Act is indicated in Figures 26 and 27.

FIGURE 26 : ILLUSTRATING THE RESPONSES TO HOW WELL INFORMED ACADEMIC STAFF ARE OF THE EMPLOYMENT EQUITY ACT



Forty percent of the total sample indicated that they were moderately aware of the Employment Equity Act while almost a third (31%) indicated that they had a good knowledge (well to very well). This means that 71% of the academics at institutions of Higher Education in KZN confirm that they have some knowledge and awareness of the Employment Equity Act. If this is a true reflection it will be a positive sign for Higher Education in KZN because, without adequate knowledge of the EEA, it is not possible to inculcate a sufficiently nuanced understanding of the principles, intention and process of the Act. In the absence of such understanding, adequate acceptance and compliance among staff could not be achieved.

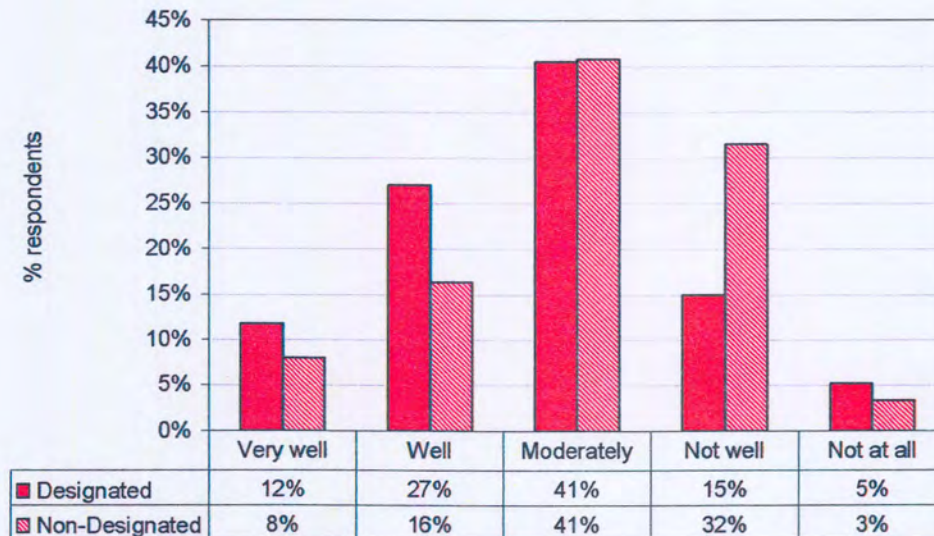
At the personal interview the majority (90%) stated that they had a moderate knowledge of the Act and ten percent indicated that they had a good knowledge of the Employment Equity Act. These (10%) were mainly managers of Higher Education institutions. In order to verify the respondents' self-assessment of their level of awareness they were asked to identify any five aspects of the Employment Equity Act that they are most familiar with. There was little correlation between respondents self-assessment of their level of awareness and the number of Employment Equity aspects they identified. Only thirty percent of the respondents who claimed that they had a moderate level of awareness were able to identify five aspects of the Employment Equity Act. This suggests that although 71% of the total sample indicated that they had some knowledge/awareness of the Employment Equity Act the depth of their knowledge is questionable.

What was disconcerting, however, was that almost a third of the respondents (29%) claimed that they were either not well informed or not at all informed which implies that there is still room for better dissemination of information on Affirmative Action/Employment Equity. Also of concern is the finding that only 41% of the respondents with supervisory responsibilities (middle/line management staff) had a good knowledge (well to very well) of the Employment

Equity Act and in addition 17% of them were not well informed or not at all informed.

Although the Affirmative Action/Employment Equity Office is responsible for the dissemination of information on the Employment Equity Act managers and administrators of departments also have a major role to play in disseminating this information. Since hiring is generally a bottom up process the managerial staff (Heads of Departments and Deans) are responsible to a large extent for identifying the pool of candidates and assessing whether they qualify. If they are not *au fait* with the Employment Equity Act the programmes and procedures related to it would not be successful. It is for this reason that managerial staff in institution of Higher Education should be thoroughly acquainted with the Employment Equity Act.

FIGURE 27 : ILLUSTRATING RESPONSES OF THE DESIGNATED AND NON-DESIGNATED GROUPS TO HOW WELL INFORMED THEY ARE OF THE EMPLOYMENT EQUITY ACT



The Chi-Square Test revealed a significant difference between how well informed members of the designated group are about the Employment Equity Act compared with those from the non-designated group ($\chi^2 = 17,060$; $df = 4$; $p < 0,05$). According to Figure 27 the majority of the designated group (80%) indicated that they were moderately to well informed while 20% indicated they were not. Among the non-designated group 65% indicated that they were moderately to well informed while about a third (35%) were not. A probable reason for this is that the designated group perhaps made an effort to know about the Employment Equity Act because it affected them (the previously disadvantaged) more directly.

The fact that more than a third of the non-designated group (White academics) indicated that they were not well informed or not at all informed is also cause for concern, given the view of Naidoo et al. (2001: 42) who were part of a task team that undertook 'A National Survey of the Progress of Institutions in the Formulation of Employment Equity Plans' in South Africa. They claim that **"in the absence of such understanding, [of the principles, intention and process of the Act] adequate acceptance and compliance among staff could not be achieved"**, while Nell and van Staden (1988 :18) claim that **"ignorance readily becomes rejection"**. Benokraitis and Feagin (1978 : 51) found that in the USA those who were ignorant of what Affirmative Action/Employment Equity entailed, were obsessed with the belief that hordes of less-qualified women and others from disadvantaged groups would displace qualified White males and, therefore, developed a resentment for such a policy. This mindset could also apply to those in supervisory positions who did not have a thorough knowledge of the Employment Equity Act.

Further, there is no reason for ignorance of the EEA on the part of the academic staff because it is laid down in the Employment Equity Act No. 55 of 1998 that the designated employer must familiarise employees with it (DOL, 1998 : section 19). Either the respondents did not attend meetings set up by their respective institutions or they were not consulted at all or they formed part of the group to whom information related to the Employment Equity Act was not disseminated.

When asked whether the respective institutions had an Affirmative Action/Employment Equity policy (question 7.1 in the questionnaire) the majority of the respondents (83 %) were aware of this while a small minority of 5% were not and 13% were unsure. However, while a large majority were aware that an Affirmative Action/Employment Equity policy existed at their respective institutions only 59% agreed that the institution disseminated such information to the academic staff while 41% disagreed or were unsure. The lack of knowledge of Affirmative Action/Employment Equity policies by 41% of the academic staff at institutions of Higher Education is cause for concern as indicated by the Equity 2000 Survey by Queensland University of Technology (Queensland University of Technology, 2000 :1) which conducted regular Equity surveys among their staff. They maintain that for Affirmative Action/ Employment Equity programmes to be successful there needs to be strong support for Equity goals from the individual staff so that Equity ideas influence the day-to-day work at the institution. This is only possible if the staff have the relevant knowledge and accept the goals. Dissemination of information to staff on the institution's Affirmative Action/Employment Equity policy is, therefore, vital so that they see the relevance and importance of Equity.

The responses to the methods of dissemination of information about the Affirmative Action/Employment Equity policy are indicated in Table 3. These responses were ranked from the commonly used to the less used.

TABLE 3 : METHODS OF DISSEMINATION OF INFORMATION ON AFFIRMATIVE ACTION/EMPLOYMENT EQUITY POLICY

METHODS OF DISSEMINATION	PERCENTAGE RESPONSE	RANK ORDER
Memoranda	92	1
Newsletters	85	2
Internet	79	3
Senate/Faculty	68	4
Workshops	52	5

The most common methods of dissemination of information on Affirmative Action/Employment Equity at Higher Education institutions in KZN are by memoranda (92%), Newsletters (85%) and the Internet (79%). All three methods use the print media and require little effort on the part of executive management or the Affirmative Action/Employment Equity Office to disseminate information. The common use of these methods were consistent with the findings of Naidoo *et al.* (2001 : 42) in thirty one out of thirty six institutions of Higher Education in South Africa. While these are acceptable methods of dissemination of information they do not necessarily have the greatest impact in an institution where academics are too busy with their core business of lecturing and, therefore :

- there is no guarantee that academics read them;
- even if they do read them there is no guarantee that they understand them;
- there is no follow up activity; and,
- there are no avenues to rectify misinterpretations or clarify aspects which, as mentioned earlier, can have a negative impact on the success of Affirmative Action/Employment Equity programmes .



It is unfortunate that workshops were found to be one of the least used methods of dissemination of information on Affirmative Action and Employment Equity at institutions of Higher Education in KZN yet Naidoo *et al.* (2001 : 42), through conducting telephonic interviews with the principal 'driver' of the Employment Equity planning process at thirty four Higher Education institutions in South Africa found that this method was claimed to be used in the majority of institutions. The crucial difference, however, is that the present findings are the responses of academics on the ground and middle/ line managers and not of persons who are tasked with driving the programme, who would obviously claim that they have used the most effective methods of dissemination. During the personal interviews many indicated that the workshops conducted were only for management and union members.

The low exposure to workshops and follow-up workshops among the general academic staff is a probable reason for over a third of the respondents being unaware of the institutions' efforts at dissemination of information on Affirmative Action/ Employment Equity. Although a workshop requires greater effort on the part of the institution with regard to preparation and organization it has the following advantages over print media as a means of disseminating information:

- it will serve the purpose not only of informing academics about Affirmative Action/Employment Equity but also of solving problems and training in implementation;
- it is an idea-generating strategy in which individuals' ideas are gathered and combined in a face-to-face non-threatening group situation;
- through brainstorming creative solutions to problems can be developed;
- misunderstandings can be rectified; and,
- it is more consultative and thus issues can be discussed and greater clarification on complex issues can be obtained.

6.8.4 ACADEMIC STAFF SATISFACTION WITH THE IMPLEMENTATION, COMMUNICATION AND SUCCESS OF AFFIRMATIVE ACTION/ EMPLOYMENT EQUITY EFFORTS

6.8.4.1 Satisfaction with the Success of Affirmative Action/Employment Equity Efforts

The success of Affirmative Action/Employment Equity efforts at institutions will definitely have an influence on those who originally viewed it with scepticism and suspicion. If it is successful it will allay many fears and sceptics will probably buy into the programme. This could result in Equity ideas influencing the day-to-day work of the staff. This was a goal achieved by Queensland University of Technology as a finding of its Equity 2000 Survey (Queensland University of Technology, 2000 : 1). The responses to the question to whether academics from the designated and non-designated groups were satisfied that their institutions' implementation of Affirmative Action/Employment Equity policy has been successful are indicated in Table 4.

TABLE 4 : SATISFACTION OF ACADEMIC STAFF WITH WHETHER THEIR INSTITUTION'S IMPLEMENTATION OF THE AFFIRMATIVE ACTION/EMPLOYMENT EQUITY POLICY HAS BEEN SUCCESSFUL

RESPONSES	DG*	NDG#	DG IN HBI	NDG IN HBI	DG IN HWI	NDG IN HWI	% OF TOTAL SAMPLE
To a great extent	12%	13%	14%	26%	08%	9%	12
To some extent	36%	56%	36%	58%	36%	55%	48
To a small extent	28%	22%	30%	12%	25%	26%	25
Not at all	24%	09%	20%	04%	31%	10%	15
TOTAL	100%	100%	100%	100%	100%	100%	100

*DESIGNATED GROUP (DG)

#NON-DESIGNATED GROUP (NDG)

An analysis of the data in Table 4 indicates that the majority of the total sample (48%) were satisfied to some extent with their institutions' implementation of the Affirmative Action/Employment Equity policy while the minority (15%) indicated that they were not satisfied.

When comparing the responses of the designated group with that of the non-designated it was found that the majority of both groups were satisfied. A larger percentage (56%) from the non-designated group indicated that they were satisfied to some extent. A smaller majority (36%) of the designated group indicated that they were satisfied to a small extent. What was also significant was that approximately one quarter of the designated group was not at all satisfied.

The conclusion, therefore, is that the respondents from the non-designated group were more satisfied than those from the designated group. This is probably because academics from the designated group, being the target of the Affirmative Action/Employment Equity efforts, measure the success of such programmes according to their progress and the progress of people of colour at their respective institutions while their White counterparts do so on probably what is observed as being done at their respective institutions. Satisfaction among the designated staff will probably be realized only when they are secure in the knowledge that there are prospects for their own development and advancement.

6.8.4.2 Satisfaction with the Communication of Affirmative Action/Employment Equity Efforts

TABLE 5: SATISFACTION OF ACADEMIC STAFF WITH COMMUNICATION OF AFFIRMATIVE ACTION/EMPLOYMENT EQUITY EFFORTS

RESPONSES	DG*	NDG#	DG IN HBI	NDG IN HBI	DG IN HWI	NDG IN HWI	% OF TOTAL SAMPLE
To a great extent	09%	15%	9%	8%	10%	17%	12
To some extent	29%	36%	26%	32%	34%	37%	33
To a small extent	28%	31%	30%	40%	25%	28%	30
Not at all	34%	18%	35%	20%	31%	18%	25
TOTAL	100%	100%	100%	100%	100%	100%	100

*DESIGNATED GROUP (DG)

#NON-DESIGNATED GROUP (NDG)

The majority of the total sample (33%) indicated that they were satisfied to some extent with the communication of Affirmative Action/Employment Equity efforts at their respective institutions while a minority (12%) indicated that they were satisfied to a great extent. Of significance is the finding that 25% of the total sample indicated that they were not at all satisfied.

When the responses of the designated and the non-designated groups were compared it was found that the majority of the designated group (34%) were not at all satisfied while the majority of the non-designated group (36%) were satisfied to some extent.

On comparing the responses according to institutional types the following were the findings : the majority (35%) of the respondents from the designated group employed at HBIs indicated that they were not satisfied

at all while the majority (40%) of respondents from the non-designated group indicated that they were satisfied only to a small extent. The majority (34%) of those from the designated group employed at HWIs, on the other hand, indicated that they were satisfied to some extent while 31% indicated that they were not at all satisfied. The majority (37%) of the non-designated employed at HWIs also indicated that they were satisfied to some extent while 18% indicated they were not at all satisfied.

The summary of findings with regard to the above is as follows :

- the majority of the respondents in the total sample are satisfied 'to some extent' with the efficiency in the communication of Affirmative Action/Employment Equity efforts to them by their institutions;
- the majority of respondents categorized as the non-designated group (White academics) in the total sample as well as those from this group who are employed at Historically White Institutions (HWIs) are satisfied to some extent. On the other hand, the majority of the respondents from this group who are employed at Historically Black Institutions (HBIs) are satisfied only 'to a small extent' with their institutions' efficiency in communicating information on their Affirmative Action/Employment Equity efforts; and,
- the majority of the respondents categorized as the designated group (Africans, Coloureds and Indians) as well as those of them who are employed at HBIs are 'not at all' satisfied with the efficiency of communication of Affirmative Action//Employment Equity efforts at their institutions.

The above analyses reveal that the majority of the respondents in the total sample (designated and non-designated) are satisfied with the manner in which the Affirmative Action/Employment Equity policy is communicated at their institutions. On the contrary a review of the

responses from the designated group reveal that they, as a group, are not at all satisfied with it. The views of the total sample that they were satisfied may be due to the fact that the non-designated group comprised the majority in the sample. This contradiction may also be attributed, perhaps, to the fact that the communication of the Affirmative Action/Employment Equity policy is treated more seriously at HWIs than at HBIs or that HBIs believe that because they are already Black there is no need to give attention to the communication of the Affirmative Action/Employment Equity policy. The latter view is supported by Ramashala (2001 : 1), Chairperson of the Employment Equity Commission in South Africa.

6.8.4.3 Satisfaction with the Manner in which Affirmative Action/Employment Equity is Implemented

TABLE 6 : ACADEMIC STAFF SATISFACTION WITH THE MANNER IN WHICH AFFIRMATIVE ACTION/EMPLOYMENT EQUITY IS IMPLEMENTED

RESPONSES	#DG	*NDG	DG IN HBI	NDG IN HBI	DG IN HWI	NDG IN HWI	% OF TOTAL SAMPLE
To a great extent	07%	10%	05%	08%	08%	11%	9
To some extent	23%	36%	22%	42%	26%	34%	31
To a small extent	28%	30%	27%	30%	30%	30%	29
Not at all	42%	24%	46%	20%	36%	25%	31
TOTAL	100%	100%	100%	100%	100%	100%	100

#DESIGNATED GROUP (DG)

*NON-DESIGNATED GROUP (NDG)

The data in Table 6 reveal that (31%) of the total sample are satisfied to some extent with the manner in which their institutions implement

Affirmative Action/Employment Equity. An equal percentage of respondents (31%) indicated that they are not at all satisfied and 29% of the respondents indicated that they are satisfied to a small extent.

A Chi-Square analysis of the data in Table 6 indicates that there is a significant difference in the responses of the designated and non-designated groups with regard to the manner in which Affirmative Action/Employment Equity is implemented at their respective institutions ($\chi^2 = 13,487$; $df = 2$; $p < 0,05$). The majority (42%) of the respondents in the designated group indicated that they are not at all satisfied while the majority 36% of those from the non-designated group indicated that they are satisfied to some extent. It must also be noted that almost a quarter of the respondents from the non-designated group also indicated that they are not satisfied with the manner in which Affirmative Action/Employment Equity is implemented at their respective institutions.

A comparison of responses according to institutional type reveals that the majority (46%) of those respondents from the designated group employed at HBIs indicated that they are not at all satisfied while the majority (42%) from the non-designated group indicated that they are satisfied to some extent. Of those from the designated group employed at HWIs the majority (36%) indicated that they are not at all satisfied while 34% of the non-designated group indicated that they are satisfied to some extent.

In summary, the majority of the designated group in the total sample, those employed at Historically Black Institutions of Higher Education as well as those employed at Historically White Institutions of Higher Education indicated that they are not at all satisfied with the manner in which Affirmative Action/Employment Equity is implemented at their institutions. The majority of the non-designated group at Historically Black and Historically White Institutions indicated that they are satisfied to some extent.



In an attempt to delve deeper into the results a T-test was applied to the responses to all three questions together to determine if there were any significant difference between the responses of the designated and non-designated groups with regard to their level of satisfaction with the manner of implementation, communication and success of Affirmative Action/Employment Equity efforts. The analysis revealed that there is a significant difference in the level of satisfaction of the designated and non-designated groups ($t = 2,765$; $df = 1464$; $P < 0,05$). The respondents in the designated group were less satisfied than those in the non-designated group.

An Analysis of Variance Test (Anova) was also applied to determine if there were any significant differences in the level of satisfaction among each of the four race groups in the sample. The findings revealed a significant difference in the levels of satisfaction among the four race groups with the Coloureds being the least satisfied followed by Indians, Africans and Whites ($f = 3,353$; $df = 3$; $p < 0,05$).

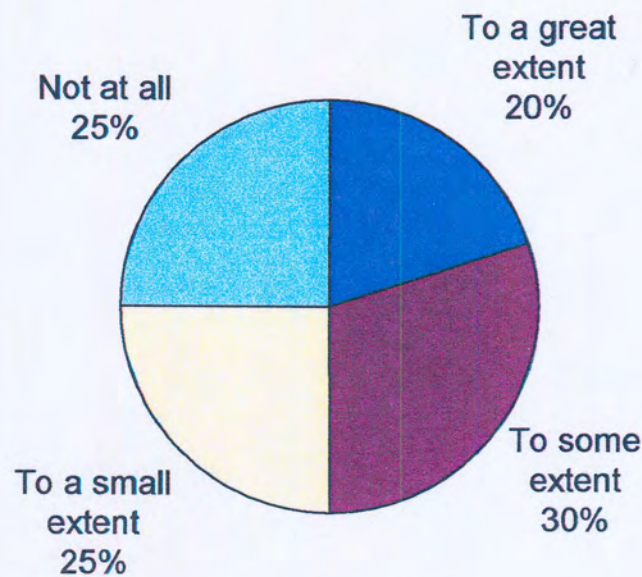
The danger of dissatisfaction from the academic staff at Higher Education institutions is that apart from having negative consequences within institutions, the impression of the Affirmative Action/Employment Equity efforts conveyed by dissatisfied or satisfied employees can spread by word of mouth and impact on the reputation of the institution as an Affirmative Action/Employment Equity employer internally as well as externally. In some circumstances, word may reach the media with serious consequences on the public standing of the institution.

6.8.4.4 Affirmative Action/Employment Equity and the Promotion of a New System of Inequalities

Opponents of Affirmative Action/Employment Equity often claim that its implementation creates a new system of inequalities. Question 9.4 in the

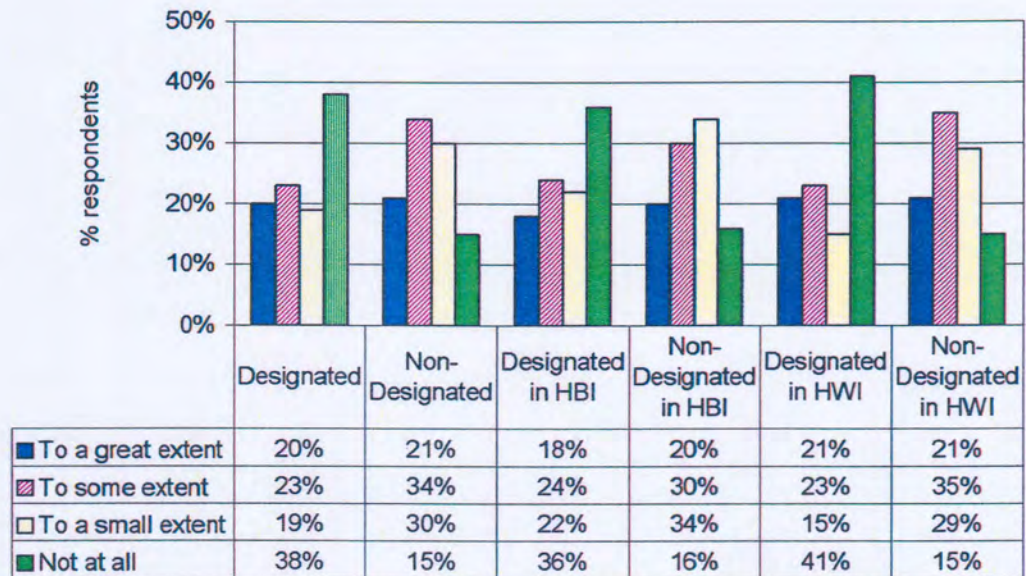
questionnaire was introduced to test the perceptions of the academic staff in this regard. The responses to this question by the total sample as well as respondents from the designated and non-designated groups are indicated in Figures 28 and 29 respectively.

FIGURE 28 : ILLUSTRATING RESPONSES OF THE TOTAL SAMPLE TO WHETHER AFFIRMATIVE ACTION/EMPLOYMENT EQUITY CREATES A NEW SYSTEM OF INEQUALITIES



The data in Figure 28 reveal that the majority of the total sample 30% is of the view that Affirmative Action/Employment Equity efforts create a new system of inequalities to some extent while 25% are of the opposite view that this is not the case. Twenty percent of the respondents feel that this is the case to a great extent.

FIGURE 29 : ILLUSTRATING RESPONSES OF THE DESIGNATED AND NON-DESIGNATED GROUPS AND OF THOSE EMPLOYED AT HBIs AND HWIs



The Chi-Square test results reveal a significant difference between the views of the designated and non-designated groups to whether Affirmative Action/Employment Equity creates a new set of inequalities or not ($\chi^2 = 23,565$; $df = 2$; $p < 0,05$). The majority (38%) of the designated group are of the opinion that Affirmative Action/Employment Equity efforts do not create a new set of inequalities at institutions while the majority of the non-designated group (34%) maintain that this is the case to some extent.

A comparison of responses of the designated group and the non-designated groups employed at HBIs and HWIs respectively show that a greater majority (36%) of the designated group employed at HBIs and 41% at HWIs are of the view that Affirmative Action/Employment Equity efforts do not create a new system of inequalities. In contrast, the majority

of the non-designated group indicate that it does to a small extent at HBIs (34%) and to some extent (35%) at HWIs.

In summary, therefore, two diametrically opposing views emerged from the analysis. The majority of the non-designated group are of the view that Affirmative Action/Employment Equity efforts create a new set of inequalities to some extent while the members of the designated group feel that this is not the case at all. It would appear that the White academics have not yet bought into the Affirmative Action/Employment Equity programmes nor do they have a good understanding of the principles underlying Affirmative Action and Employment Equity and are, therefore, resistant to it. For those who understand true Affirmative Action and Employment Equity this is one of the dilemmas that committed implementors are aware of and guard against when implementing the policy.

6.8.5 INSTITUTIONAL STRUCTURES AND ORGANIZATIONAL ARRANGEMENTS RELATED TO AFFIRMATIVE ACTION/EMPLOYMENT EQUITY

Local studies as well as the review of the three year rolling plans required by the Department of Labour revealed that the task of transforming staff profile and sustaining the Equity change effort is more complex than originally envisaged. While EE change has taken place predominantly at institutional policy level **“disconnection exists between policy and actual practice”** (Nadison, 2001: 72). He claims that Equity planning and formulation have not translated into successful implementation. In the light of the above questions 10 - 12 were introduced to assess the actual practices at institutions related to the institutional structure and organizational arrangements for successful implementation of AA/EE. Table 7 summarizes the responses to questions 10.1 - 10.6.

TABLE 7 : RESPONSES TO PROVISIONS MADE FOR AFFIRMATIVE ACTION/EMPLOYMENT EQUITY PROGRAMMES

INSTITUTIONAL PROVISIONS	RESPONSES IN PERCENTAGE																		% of Total Sample		
	YES						NO						UNSURE								
	Designated	Non-Designated	Designated in HBI	Non-Designated in HBI	Designated in HWI	Non-Designated in HWI	Designated	Non-Designated	Designated in HBI	Non-Designated in HBI	Designated in HWI	Non-Designated in HWI	Designated	Non-Designated	Designated in HBI	Non-Designated in HBI	Designated in HWI	Non-Designated in HWI	Yes	No	Unsure
Staff, Development/ Mentoring	28%	27%	36%	26%	31%	27%	42%	27%	45%	30%	38%	26%	30%	46%	29%	44%	31%	47%	27%	33%	40%
Written And Communicated AA/EE Plan	30%	46%	28%	30%	31%	51%	37%	19%	38%	22%	36%	18%	33%	35%	34%	48%	33%	31%	39%	27%	34%
Mentoring and Evaluation AA/EE Progress	16%	25%	13%	10%	21%	30%	41%	21%	45%	28%	36%	18%	43%	54%	42%	62%	43%	52%	21%	29%	50%
Equity Surveys	13%	20%	09%	06%	20%	24%	62%	49%	68%	62%	52%	45%	25%	31%	23%	32%	28%	31%	17%	54%	29%
Dissemination of Progress Reports	07%	15%	08%	06%	07%	18%	62%	48%	65%	56%	57%	46%	31%	37%	27%	38%	36%	36%	12%	54%	34%
Grievance Procedures	12%	21%	11%	08%	13%	25%	48%	27%	51%	32%	44%	26%	40%	52%	38%	60%	43%	49%	17%	36%	47%

6.8.5.1 Staff Development/Mentoring Programmes

The literature is replete with information regarding the value and importance of staff development/mentoring (capacity building) programmes for the success of Affirmative Action/Employment Equity. Question 10.1 was, therefore, introduced to identify the perceptions of the academic staff with regard to staff development/mentoring programmes for members of the designated group who were Affirmative Action/Employment Equity beneficiaries. The responses to the question are indicated in Table 7.

The majority (40%) of the total sample responded that they were unsure whether coherent staff development/mentoring programmes were provided for Affirmative Action/Employment Equity beneficiaries. Also almost a third of the total sample maintained that provision is not made for such programmes at their institutions.

The majority (42%) of respondents from the designated group declared that no such programmes existed and 30% of them were unsure. The majority (46%) of the non-designated group were also unsure whether such programmes existed with 27% of the respondents saying that there were no such programmes. The Chi-Square Test result ($\chi^2 = 12,230$; $df = 2$; $p < 0,05$) also confirmed that this significant difference between the responses of the designated and non-designated groups existed.

The responses of the designated and non-designated groups employed at HBIs also showed a significant difference. Forty five percent of the respondents in the designated group at HBIs indicated that such programmes did not exist at their institutions. Almost a third were unsure. Forty four percent of the non-designated group employed at HBIs were unsure while 30% indicated that no such programmes existed.

The majority (38%) of the respondents from the designated group employed at HWIs indicated that no staff development programmes existed for them while almost a third of them were unsure of its existence. The majority (47%) of the non-designated group at HWIs on the other hand indicated that they were unsure whether such programmes existed and almost a quarter of the respondents indicated that it did not exist at all.

In summary the following is evident :

- The majority of the designated group in the total sample as well as those employed at HBIs and HWIs indicated that coherent staff development programmes did not exist at their institutions. Further, approximately one third of the respondents indicated that they were unsure whether such programmes existed; and,
- The majority of the non-designated group in the total sample as well as those employed at HBIs and HWIs indicated that they were unsure of any staff development programmes for the designated group. Approximately a quarter of this group were of the opinion that such programmes did not exist at all.

It is obvious from the responses that coherent staff development/mentoring programmes were not implemented at all or were implemented half-heartedly to appear politically correct or to satisfy legislative imperatives. Hence, staff were unaware of it. This is a serious indictment on top management at Higher Education institutions. Under the circumstances, it would be naive to expect Affirmative Action/Employment Equity to succeed.

6.8.5.2 **Written and Communicated Affirmative Action/Employment Equity Plan**

The responses to the question on whether provisions were made for a written/communicated Affirmative Action/Employment Equity plan are indicated in Table 7.

The data reveal that the majority (39%) of the total sample indicated that a written/communicated Affirmative Action/Employment Equity plan was provided by their institutions. It is also interesting to note that 34% of the respondents were unsure.

The Chi-Square Test applied to the data in Table 7 shows a significant difference between the responses of the designated and non-designated groups ($\chi^2 = 17,111$; $df = 2$; $p < 0,05$). The majority of respondents (46%) from the non-designated group indicated that provision was made at their institutions while 37% of respondents from the designated group disagreed. In both groups, however, over a third of the respondents indicated that they were unsure.

When responses were compared by institutional type the following findings emerged; the majority (48%) of the non-designated group at HBIs indicated that they were unsure of any Affirmative Action/Employment Equity plan while the majority (38%) from the designated group indicated that such plans did not exist.

Of those employed at HWIs the majority (51%) of the non-designated group indicated that provision was made. Nevertheless, about a third of the respondents were unsure of this. The majority (36%) of the designated group at HWIs indicated that no such provision existed and 33% of them were unsure.



In summary the following is evident :

- the majority of the total sample are of the view that a written and communicated plan existed at institutions of Higher Education in KZN;
- the majority of the designated group in the total sample and those at HBIs and HWIs indicated that provision had not been made at their respective institutions;
- the majority of the non-designated group in the total sample and at HWIs indicated that provision is made; and,
- at HBIs the responses were lower.

The implication from the above is that either HBIs do not have a written Affirmative Action/Employment Equity plan or, if they had one, they are not communicating it effectively to their academic staff or the staff is disinterested. At HWIs it appears that they are communicating their Affirmative Action/Employment Equity plans to members of the non-designated group at their institutions but it appears that the designated group do not have access to it or they are indifferent to it.

6.8.5.3 Monitoring and Evaluation of Affirmative Action/Employment Equity Plan

According to the Employment Equity Act a 'designated' employer must establish procedures to monitor and evaluate the implementation of the Employment Equity plan on an ongoing basis and to determine whether reasonable progress is being made towards implementing Employment Equity (Employment Equity Act No. 55 of 1998 : Section 20(2)). In view of this requirement question 10.3 was introduced to test the perceptions of the academic staff with regard to this provision at their institutions. The responses to this question are indicated in Table 7.



The majority (50%) of the total sample indicated that they were unsure whether provisions have been made at their respective institutions for the monitoring and evaluation of Affirmative Action/Employment Equity programmes. Important also is the finding that almost a third (29%) of the respondents indicated that such procedures did not exist.

Significant differences in the responses between the designated and non-designated groups to this question also emerged in terms of the Chi-Square Test result ($\chi^2 = 16,566$; $df = 2$; $p < 0,05$). A majority (43%) of the respondents from the designated group indicated that they were unsure. In addition 41% indicated that such procedures did not exist. A much larger majority (54%) from the non-designated group also indicated that they were unsure while 21% indicated that provisions were not made for such procedures.

On comparing the responses of those from the designated and non-designated groups at HBIs the following findings emerged. A much larger majority (62%) from the non-designated group indicated that they were unsure whether such procedures were in place. Also 28% were of the view that these procedures did not exist at all. A greater majority of respondents from the designated group at HBIs (45%) indicated that such procedures did not exist and 42% indicated that they were not sure.

At HWIs, on the other hand, a smaller majority (52%) of the non-designated group indicated that they were unsure and 18% indicated that such procedures did not exist. Forty three percent from the designated group also indicated that they were unsure and a smaller percentage of 36% indicated that such procedures did not exist.

In summary the following findings emerged :

- the majority in the total sample as well as in the designated and non-designated groups indicated that they were unsure;
- the majority in the designated group employed at HBIs also indicated that such procedures did not exist and a much higher percentage of the non-designated group were unsure; and,
- respondents from both the designated and non-designated groups employed at HWIs indicated that they were unsure of such practice and procedures

In general, the majority of the respondents indicated that they were either unsure or did not know of any provisions for monitoring and evaluation of Affirmative Action/Employment Equity programmes at their institutions. Ignorance of the procedures by academic staff implies that they are probably not exposed to them. Responses to earlier questions and information from personal interviews have indicated that an Affirmative Action/Employment Equity policy does exist at the majority of institutions. This suggests that while a plan for monitoring and evaluation is drawn up in theory, often to satisfy legal imperatives, it is not put into practice. Nadison (2001: 72) made a similar claim arising from his experiences with Higher Education institutions in South Africa.

This is an alarming revelation and an indictment on the Human Resources Manager and/or the Employment Equity Officer at these institutions. It also calls for a redefining of the roles of such personnel. The absence of such monitoring and evaluation procedures might also be due to indifference on the part of top management at these institutions because they, perhaps, do not subscribe to Affirmative Action and Employment Equity and its importance in the new democracy.

The abovementioned finding is contrary to recommendations of countries such as USA, Canada and Australia where rigorous monitoring and evaluation programmes are conducted. In the absence of such procedures the institution (among other advantages) will be unable to ascertain whether the programme is progressing or whether there are any shortfalls that require remediation.

6.8.5.4 Equity Surveys

The key objective of Equity surveys is to determine the level of understanding, awareness and commitment staff has of Employment Equity/Affirmative Action issues and initiatives and their perceptions of them (Queensland University of Technology, 2000 : 1). Arising out of such surveys several new education and awareness raising programmes and other strategies can be implemented which would invariably contribute to the progress and success of Affirmative Action/Employment Equity at the institutions. In order to assess whether such surveys are conducted by institutions of Higher Education in KZN question 10.4 was introduced. The responses to this question are indicated in Table 7.

The data in Table 7 reveal that the majority (54%) of the total sample indicated that Equity surveys were not conducted. Also important is the response of 29% of the total sample who indicated that they were unsure. There were no significant difference between the responses of members of the designated and non-designated groups and those at HBIs and HWIs to the question of Equity surveys at their respective institutions. The majority of both groups and those employed at HBIs and HWIs indicated that Equity surveys were not conducted at their institutions.

Absence of Equity surveys deprive Higher Education institutions of the following :

- determining the level of awareness of Affirmative Action/Employment Equity policies, programmes and services;
- identifying the level and nature of the staff's understanding of Affirmative Action/Employment Equity;
- identifying the extent to which staff are involved in Affirmative Action/Employment Equity initiatives;
- determining staff perception of support for Affirmative Action/Employment Equity, in particular senior management supervisory staff;
- identifying whether staff believe in the importance of Affirmative Action/Employment Equity;
- determining the level of commitment of staff to Affirmative Action/Employment Equity;
- determining whether staff believe that progress is being made with Affirmative Action/Employment Equity; and,
- determining whether the institution is becoming more equitable and fair and less discriminatory than before with reference to students and staff.

6.8.5.5 Dissemination of Affirmative Action/Employment Equity Progress Reports

A review of the literature indicates that the dissemination of progress reports on Affirmative Action/Employment Equity efforts is vital to the success of such programmes. The Employment Equity Act also demands such dissemination. The responses to question 10.5 related to progress reports are indicated in Table 7.



The data in Table 7 reveal that the majority of the total sample (54%) indicated that progress reports on Affirmative Action/Employment Equity efforts are not disseminated to the academic staff. Also important is the finding that about a third of the respondents (34%) indicated that they are unsure of any such reports.

The Chi-Square Test results ($\chi^2 = 9,038$; $df = 2$; $p > 0,05$) revealed no significant difference between the responses of the designated and non-designated groups. The majority in both these groups as well as those at HBIs and HWIs were also of the view that progress reports on Affirmative Action/Employment Equity efforts are not disseminated.

On an average only about 10% of the respondents gave an answer in the affirmative. This is clearly indicative of the scant attention given to Affirmative Action/Employment Equity policy by senior management and Equity or Human Resources Managers. This *laissez faire* attitude of decision-making managers at these institutions is bound to affect the success of Affirmative Action/Employment Equity programmes in the province. A more passionate, committed and vigorous approach is required by top management to ensure the success of Affirmative Action/Employment Equity efforts.

Failure to disseminate such valuable information to the staff can, *inter alia*, lead to dangerous rumours. For example, Naidoo et al. (2001 : 47) reported that rumours were rife in two Higher Education institutions during their national survey that members of the non-designated groups will lose their jobs to make space for members of the designated group. If information is disseminated effectively the academic staff would have realized that this is not possible as it is outlawed by the Employment Equity Act No. 55 of 1998 (DOL, 1998 : Section 15: 4). Such rumours often lead to instability, suspicion, fear and resistance which collectively contribute, if it has not already done so, to a fragile institutional climate

fraught with uncertainty.

6.8.5.6 Grievance Procedures Related to Affirmative Action/ Employment Equity Plan

Academic staff who feel disenfranchised or feel that they have been treated unfairly by the institution can use internal grievance procedures to resolve their differences if they perceive that these procedures are in place and are effective. Appropriate grievance procedures related to Affirmative Action/Employment Equity, which can resolve complaints internally, and at the lowest possible level, will be advantageous to both the institution and the complainant. In this regard the Employment Equity Act spells out clearly that there must be in place internal procedures to resolve any dispute about the interpretation or implementation of the Affirmative Action/Employment Equity plan (EEA, No. 55 of 1998 : Section 20(2)). In view of the aforementioned, question 10.6 was introduced in the survey. The responses of the academic staff related to appropriate grievance procedures with regard to Affirmative Action/Employment Equity are indicated in Table 7.

Analysis of the data in Table 7 reveals that the majority of the total sample (47%) were unsure whether provisions are made for grievance procedures at their respective institutions. Of importance is the finding that over a third of the respondents (36%) indicated that no such provisions are made. Only 17% indicated that provisions are in place.

Significant differences were recorded between responses of the designated and non-designated groups to this question according to the Chi-Square Test ($\chi^2 = 18,026$; $df = 2$; $p < 0,05$). Contrary to the results of the total sample the majority (48%) of the respondents from the designated group indicated that no such grievance procedures existed while 40% were unsure. Of the non-designated group, on the other hand,



the majority (52%) indicated that they were unsure while 27% answered in the negative.

At HBIs an even greater majority from the designated group (51%) indicated that they are not aware of any grievance procedures while 38% indicated that they are unsure of its existence. Among the non-designated group a greater majority (60%) indicated that they are unsure of any provisions that are made.

Forty four percent from the designated group at HWIs indicated that provisions are not made for grievance procedures at their institutions while 43% indicated that they are unsure. Among the non-designated group the majority (49%) indicated that they are unsure while 26% answered in the negative. Only twenty five percent of the respondents indicated that grievance procedures are provided at their institutions.

In summary the following observations are made :

- the majority of the total sample are unsure while over a third of the respondents indicated that grievance procedures are non-existent;
- the majority of the respondents from the designated group in the sample as well as those employed at HBIs and HWIs stated that grievance procedures are non-existent at their institutions; and,
- the majority of respondents from the non-designated group in the sample employed at HBIs and HWIs are unsure that grievance procedures existed at their respective institutions.

From the evidence above it would appear that, even, if grievance procedures existed they are either not effectively disseminated to the staff or the staff had failed to acquaint themselves with it. Whatever the reason, failure to disseminate grievance procedures would have a negative effect on the success of Affirmative Action/Employment Equity



at Higher Education institutions.

Top managers of institutions must take full responsibility to ensure that appropriate procedures for resolving grievances related to Affirmative Action/Employment Equity are clearly defined and disseminated to the staff so that they are conversant with it. Failure to provide and publicise such procedures, as was evident in the findings can lead to serious repercussion at Higher Education institutions. Grievances and charges of discrimination by new appointees and other staff relating to promotion, termination, bias in terms of race, religion or gender and relationships between administrators/supervisors/managers and employees can have a devastating consequence on the success of Affirmative Action/Employment Equity policy and on the institutions themselves.

6.8.6 MANAGEMENT, CONTROL AND MONITORING

As indicated in the review of the literature (Chapter Five) Higher Education institutions in South Africa currently face multiple pressures and transformational challenges. Therefore, Affirmative Action/Employment Equity efforts run the risk of being marginalized unless those responsible for them are sufficiently well located close to decision-making, planning and power centres in an institution. The responses to Questions 11 - 12 based on the perceptions of the academic staff on the institutional structures and organizational arrangements related to management, control and monitoring Affirmative Action/Employment Equity are indicated in Table 8.



TABLE 8 : RESPONSES TO INSTITUTIONAL PROVISIONS RELATED TO AFFIRMATIVE ACTION/EMPLOYMENT EQUITY

PROVISIONS	YES	NO	UNSURE
An appointed Affirmative Action/Employment Equity Officer	65%	23%	12%
A special office for the Affirmative Action/Employment Equity Officer	58%	15%	27%
Power and autonomy vested in Affirmative Action/Employment Equity Officer/Person to make important decisions on his/her own	24%	44%	32%
Affirmative Action/Employment Equity Officer/Person helpful in achieving Affirmative Action/Employment Equity objectives	28%	38%	34%

The majority (65%) of the total sample indicated that their respective institutions have appointed Affirmative Action/Employment Equity Officers. Twenty three percent were unaware of the existence of an Employment Equity Officer while 12% were unsure. This means that over a third of the respondents 35% had no knowledge of the appointment of an Equity Officer at their respective institutions. Of those who indicated that they were not aware of the appointment of Affirmative Action/Employment Equity Officers their responses to which other person/s fulfill the task of the Affirmative Action/Employment Equity Officer at their institution were divided between the Human Resources Department and those who were not sure. While the appointment of the Equity Officer was in line with the Employment Equity Act what was disconcerting was the lack of exposure of the Equity Officer to thirty five percent of the academic staff. This suggests a need for promoting the credibility of the Equity Officer through greater 'visibility' at Higher Education institutions.

In response to the question on whether the Affirmative Action/Employment Equity Officer was allocated a special office the majority (58%) of the total sample answered in the affirmative; the remaining 42% of the academic staff



either indicated no or were not sure. This means that if they had a query or were unsure about any aspect of the Affirmative Action/Employment Equity programme they would not know where to go. This is bound to affect the implementation of Affirmative Action/Employment Equity programmes adversely.

When asked whether the power or autonomy vested in the Affirmative Action/Employment Equity Officer was adequate to make important decisions on his/her own the majority of the total sample (44%) responded in the negative; about a third of the respondents (32%) indicated that they were unsure and only 24% answered in the affirmative. This is contrary to the practices in other countries like the USA, Australia and Canada where the person appointed to perform the overseeing role of Affirmative Action/Employment Equity participates actively in senior decision-making arenas and has the authority to bring the Equity agenda into broader deliberations on the institutions' policy framework and implementation plans. Based on the above requirements **“nearly half of Australian universities have EEO [equal employment opportunity] responsibilities built into their supervisor’s and manager’s position description”** (Burton, 1997 : 153). It was felt that in this way the EEO manager would be in a strong enough position either in status or in actual reporting to ensure that the institution’s policy developments conform to EEO principles. This view is also espoused in the literature review of other countries abroad (refer to Chapter Four : Canada, page 209; Australia, pages 176-177).

In the South African context, therefore, this will necessitate a paradigm shift in the way institutions fill their senior management positions. At a Human Resources Workshop in South Africa the facilitators, Nadison and Majiet (2001: 61), posited the view contrary to the abovementioned findings. They proposed that Human Resources (and by implication the Equity Officer who generally falls under the umbrella of Human Resources) must be repositioned within the institutions to give it greater authority and influence in strategic planning and action so that Affirmative Action/Employment Equity can be implemented successfully.

In response to whether the academic staff perceived the appointment of an Affirmative Action/Employment Equity Officer as being helpful in achieving Affirmative Action/Employment Equity objectives the majority (38%) answered in the negative while about a third of the respondents (34%) indicated that they were not sure. Twenty eight percent replied in the affirmative. The fact that only 28% regarded the Equity officer as being helpful implies that the role of the Equity Office, which should be the heart of Affirmative Action/Employment Equity at institutions of Higher Education, is underplayed or rather given a low profile either, because the staff is not well informed about Affirmative Action/Employment Equity programmes or they are not aware of the Affirmative Action/Employment Equity Officer or he/she is not freely available to them.

When questioned about their perceptions of whether the monitoring of Affirmative Action/Employment Equity policies and procedures at their institutions had been successful the majority (31%) indicated that they did not know or were unaware whether the monitoring of the Affirmative Action/Employment Equity policies and procedures had been successful. This was followed by almost a third (30%) of the respondents who did not respond. Twenty nine percent of the respondents categorically stated that it was not successful while only a minority of ten percent claimed that it was. Comments in this regard by respondents were:

“Have received no official feedback on monitoring.”

(White female Lecturer employed at a Historically White Institution (HWI)).

“I don’t know how it is monitored and I have no knowledge of the progress made.”

(Indian female Senior Lecturer employed at HWI).



“If it is monitored I’m not aware, I haven’t been exposed to monitoring.”

(African female Lecturer employed at HBI).

“Failure.”

(Coloured male Lecturer at HBI).

“Not really - as far as I have experienced Affirmative Action/Employment Equity is little more than lip service - no pressure to appoint AA staff - no special support to facilitate AA.”

(White female Lecturer employed at HWI).

It is evident from the above comments and the aforementioned findings that monitoring of Affirmative Action/Employment Equity policies and procedures has not been successful at institutions of Higher Education. Comments of some of those (mainly managers) who answered in the affirmative are :

“Yes, the processes are very carefully monitored in a transparent manner.”

(White male Dean employed at HWI).

“There has been some monitoring and occasional reports. The results were clearly communicated.”

(White female Dean employed at HWI).

In addition to those who indicated that monitoring of Affirmative Action/Employment Equity policies and procedures were not successful a large percentage who either did not respond or were unaware indicated that there was no evidence of any monitoring procedures or effective communication about such procedures or there was no feedback on monitoring. This correlates with the responses in question 9.2 where the majority of the designated group

indicated that they were not satisfied with the efficiency of their institutions' communication of Affirmative Action/Employment Equity efforts.

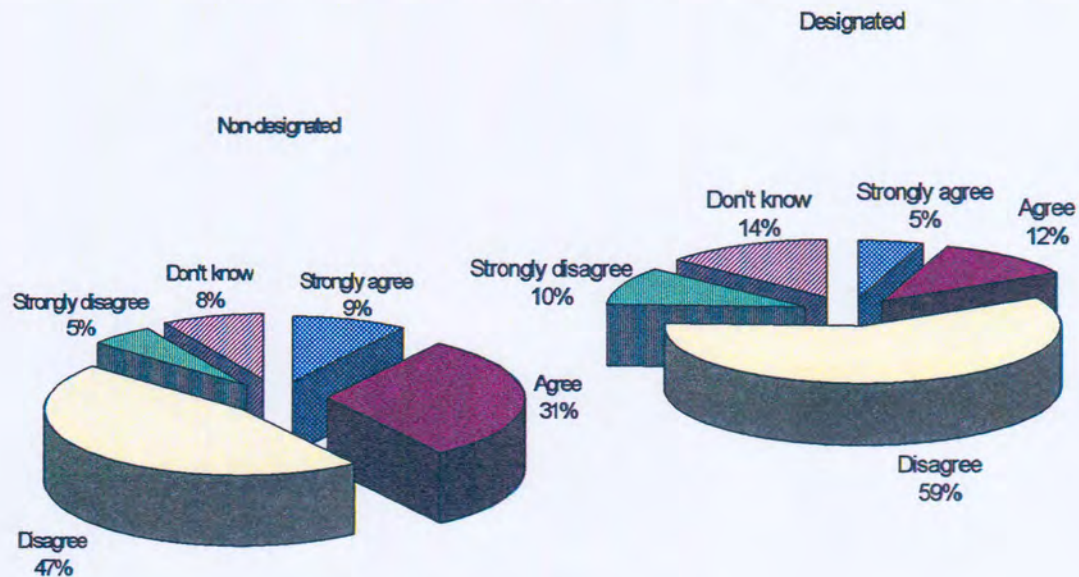
Without the necessary publicity and exposure of the monitoring practices and procedures of Affirmative Action/Employment Equity adequate acceptance and compliance among staff could not be achieved (Naidoo *et al.* (2001 : 42). In countries like Australia (Chapter 4 : pages 177-178, 200), the USA (Chapter 4: pages 162-163), Canada (Chapter 4 : pages 219 -221), Namibia (Chapter 4 : pages 248-249, 252) and India (Chapter 4 : pages 271, 275, 278) monitoring of Affirmative Action/Employment Equity programmes is considered most essential for its success.

6.8.7 INSTITUTIONAL ISSUES RELATED TO AFFIRMATIVE ACTION/EMPLOYMENT EQUITY

6.8.7.1 Commitment to Affirmative Action/Employment Equity

The responses indicate that the majority (58%) of the total sample disagreed/strongly disagreed that their institutions' internal and external communication reflected a commitment to Affirmative Action/Employment Equity issues. Thirty percent agreed/strongly agreed while 11% did not know.

FIGURE 30 : ILLUSTRATING RESPONSES TO COMMITMENT TO AFFIRMATIVE ACTION/EMPLOYMENT EQUITY ISSUES



An application of the Chi-Square Test to the responses in Figure 30 revealed a significant difference in the responses of the designated and non-designated groups to this question ($\chi^2 = 24,9$; $df = 4$; $p < 0,05$). A further analysis of these differences indicated that a larger majority (69%) in the designated group disagreed compared to the non-designated group (52%). On the contrary a much larger percentage in the non-designated group (40%) agreed compared with the 17% in the designated group. This suggests that the non-designated group were less satisfied with the institutions commitment to Affirmative Action/ Employment Equity issues.

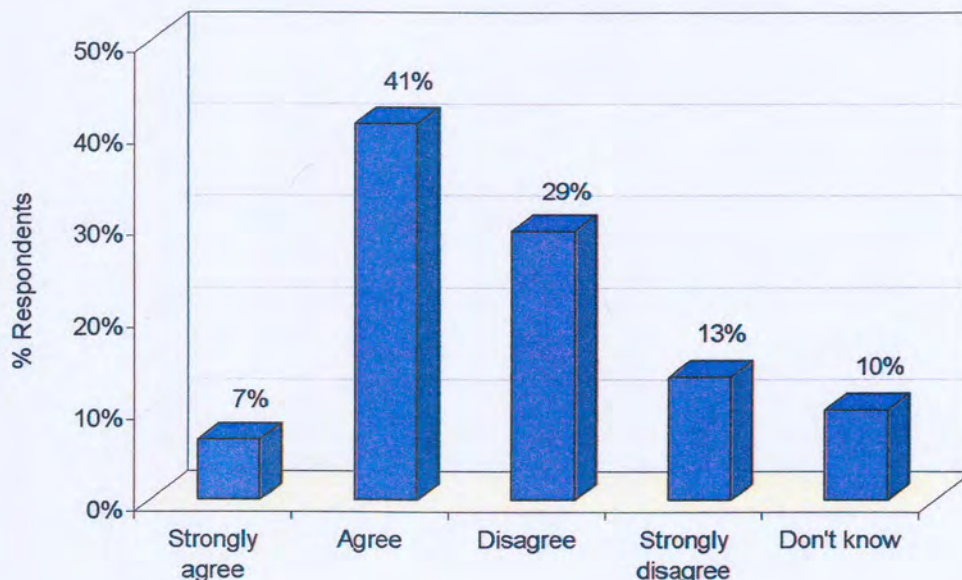
Nevertheless, the findings indicate overall that the academic staff disagreed. Such findings do not augur well for the success of Affirmative Action/Employment Equity efforts. In fact the literature is replete with evidence that strong commitment from an institution or government at the highest level is important (refer to Chapter 4) for the success of Affirmative Action/Employment Equity efforts. For example the change in commitment to Affirmative Action with the change in Presidency in the

USA from the Nixon, Ford, Carter administration to that of Reagan and Bush caused Affirmative Action to slow down for twelve years and its death knell was almost sounded. Fortunately, it was rescued by a renewed commitment from the Clinton administration.

The literature on Affirmative Action/Employment Equity experiences abroad (USA : pages 143, 162; Zimbabwe : pages 227, 233, 238, 241-242) support the view that a high degree of commitment to the principles of Affirmative Action/Employment Equity by upper management at Higher Education institutions is vital for the programme to be successful. In some Higher Education institutions, like Queens University in Canada, the principal, as part of the university's commitment to Employment Equity announced his personal commitment to Employment Equity in writing (refer to Canada : page 207). A local researcher Mbokota (2001 : 68) concurs that the visibility of leadership dealing with Employment Equity at all levels in the organization is crucial to its success.

6.8.7.2 The Institution as a Fair and Equitable Place to Work

FIGURE 31 : ILLUSTRATING RESPONSES TO WHETHER THE INSTITUTION IS A FAIR AND EQUITABLE PLACE TO WORK





The data in Figure 31 indicate that the majority of the total sample (48%) agreed/ strongly agreed that their institutions were fair and equitable to work while 42% disagreed/strongly disagreed. Ten percent of the respondents indicated that they did not know.

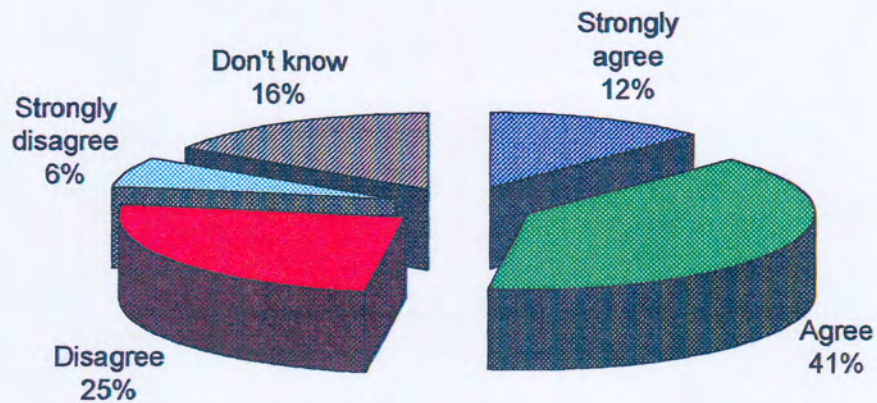
Although the above appeared to be the position, a different scenario emerges when the responses from the designated and non-designated groups are considered separately. The Chi-Square Test result reveals a significant difference ($\chi^2 = 21,545$; $df = 2$; $p < 0,05$). A higher majority (57%) of the respondents from the designated group disagreed/strongly disagreed that their institutions were fair and equitable places to work while the majority (58%) of the non-designated group agreed/strongly agreed. Whether the expressed view of the non-designated group (White academics) is a true reflection of the *status quo* or whether the conditions they use as norms to make this assessment are reasonable, given that they saw nothing irregular with their institutions' policy of employing only White academics during the apartheid era is questionable.

On comparing the responses of the designated and non-designated groups at HBIs the majority (54%) in the designated group disagreed/strongly disagreed that the institutions were fair and equitable places to work in while the majority (64%) in the non-designated group agreed/strongly agreed that they were. At HWIs a greater majority (61%) of the designated group disagreed/strongly disagreed that the institutions were fair and equitable places to work in while a smaller majority (55%) of the non-designated group agreed that they were.

It is evident from the above analysis that the non-designated group perceived their institutions to be fair and equitable places to work. On the contrary, the designated group perceived their institutions as not being fair and equitable places to work in. This perception on the part of the designated group is greater at HWIs.

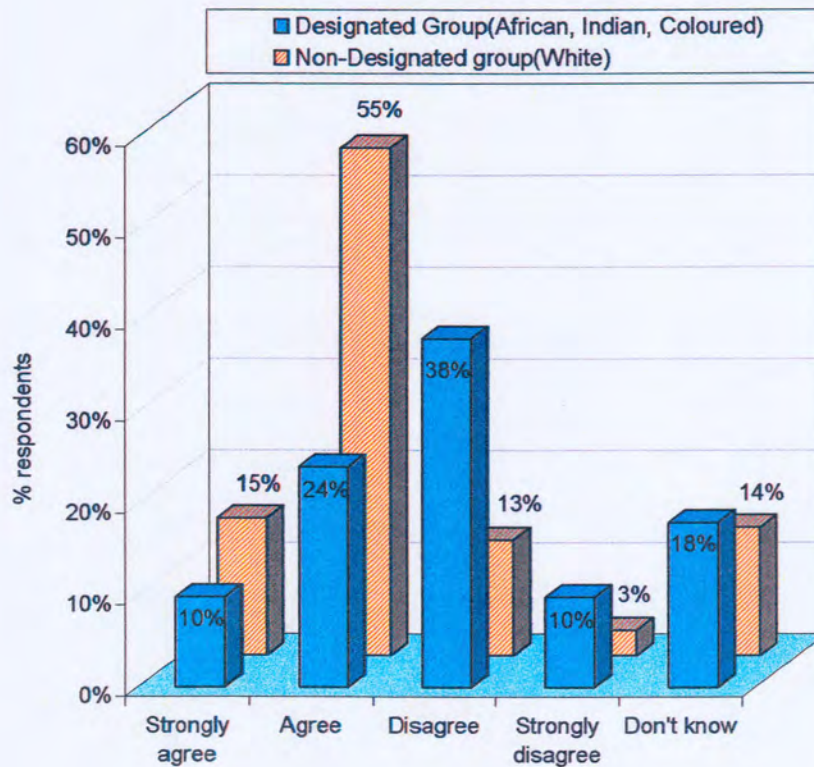
6.8.7.3 Sincerity of Affirmative Action/Employment Equity Efforts at Institutions

FIGURE 32 : SHOWING RESPONSES TO WHETHER INSTITUTIONS' EFFORTS ARE MORE THAN AN ATTEMPT TO APPEAR POLITICALLY CORRECT



The responses of the total sample of academic staff illustrated in Figure 32 indicate that the majority (53%) agreed/strongly agreed that the Affirmative Action/Employment Equity efforts at their respective institutions were more than an attempt to appear politically correct. Thirty one percent of the respondents disagreed/strongly disagreed while 16 % did not know.

FIGURE 33 : SHOWING RESPONSES OF THE DESIGNATED AND NON-DESIGNATED GROUPS TO WHETHER THEIR INSTITUTIONS' EFFORTS ARE MORE THAN AN ATTEMPT TO APPEAR POLITICALLY CORRECT



There was a significant difference between the responses of the designated group and non-designated group according to the Chi-Square Test result ($\chi^2 = 56,57$; $df = 4$; $p < 0,05$) as indicated in Figure 33. Seventy percent of the respondents from the non-designated group agreed/strongly agreed that the Affirmative Action/Employment Equity efforts at their institutions were more than an attempt to appear politically correct against 34% from the designated group. Worthy of note is that the majority (48%) of the designated group disagreed/strongly disagreed

compared with 16% from the non-designated group. Further almost a fifth of the respondents from the designated group indicated that they did not know compared with 14% from the non-designated group.

The majority (43%) of respondents from the designated group employed at HBIs agreed/strongly agreed that Affirmative Action/Employment Equity efforts at these institutions were more than an attempt to appear politically correct. Sixty two percent of the respondents from the non-designated group supported this view.

At HWIs the majority of the designated group (52%) disagreed/strongly disagreed and 38% agreed/strongly agreed that the Affirmative Action/Employment Equity efforts were more than an attempt to appear politically correct. The majority (73%) of respondents from the non-designated group agreed/strongly agreed while 14% disagreed.

In summary the following were the findings related to whether Affirmative Action/Employment Equity efforts at the respective institutions are more than an attempt by the institutions to appear politically correct :

- the majority in the total sample agree that Affirmative Action/Employment Equity efforts were more than an attempt to appear politically correct;
- almost half of the respondents from the designated group disagreed/strongly disagreed;
- almost three quarters of the respondents from the non-designated group agreed;
- HBI respondents from both groups agreed; and,
- at HWIs the majority of the respondents from the designated group disagreed while an overwhelming majority of respondents from the non-designated group agreed.

Although the findings related to the total sample indicated that efforts at Higher Education Institutions in KZN was/is done in all sincerity and not merely to appear politically correct the in-depth investigation reveals that this finding was influenced to a greater extent by the responses of those from the non-designated group. One must therefore view this perception with caution for the following reason:

- At HWIs there has always been prejudice against the appointment of Black academics in the past (refer to Chapter 5). For White academics the majority of whom have been part of this charade, it would be politically correct, especially in the present climate in South Africa, for them to claim that their institutions are sincerely involved in all Affirmative Action/Employment Equity efforts.

It is significant that the majority of the Black academics employed at HWIs maintained that the Affirmative Action/Employment Equity efforts are an attempt by the institution to appear politically correct. If this is proven to be true it can have severe repercussions for the future of Affirmative Action/Employment Equity at such Higher Education institutions as cautioned by Innes (1993(a) : 15), Sarakinsky (1993 : 7), Human (1991 : 16) and Maphai (1992 : 7). They maintain that appointing persons from the designated group in order to appear politically correct in the guise of an Affirmative Action/Employment Equity effort is often construed as tokenism with its attendant negatives of incompetence, setting one up for failure, lowering of standards, etc.

6.8.7.4 Diverse Workforce at Institutions of Higher Education

The response to the question whether a diverse workforce at an institution will lead to better student/staff relations are indicated in Figure 34. According to these responses the majority (72%) of the total sample agreed/strongly agreed that a diverse workforce at an institution of Higher

Education will lead to better staff/student relations while 18% disagreed/strongly disagreed.

FIGURE 34 : ILLUSTRATING RESPONSES TO WHETHER A DIVERSE WORK FORCE WILL LEAD TO BETTER STUDENT/STAFF RELATIONS

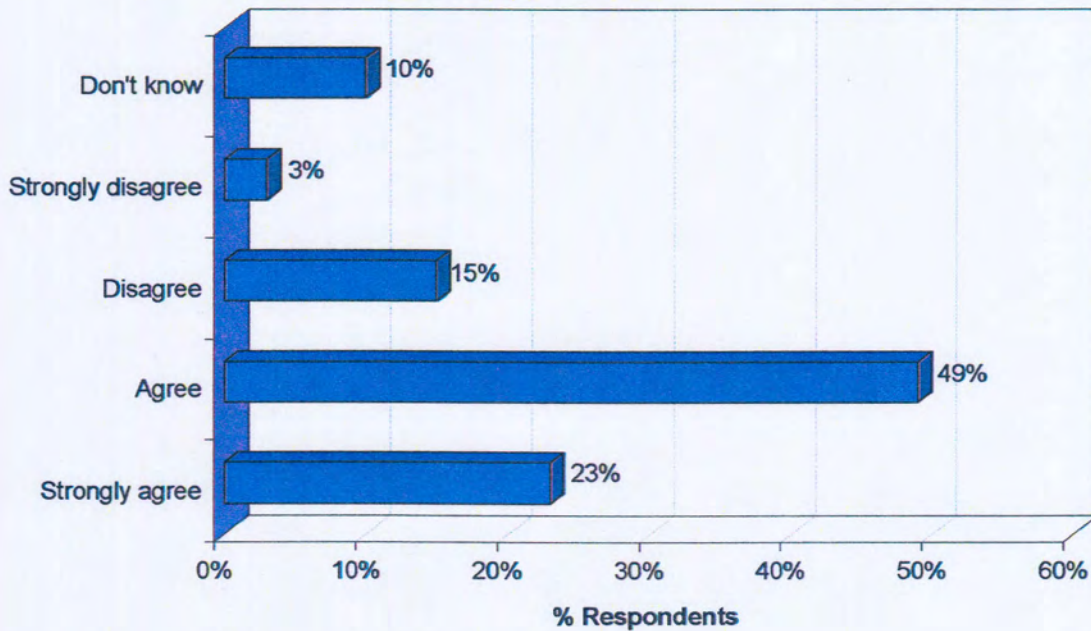
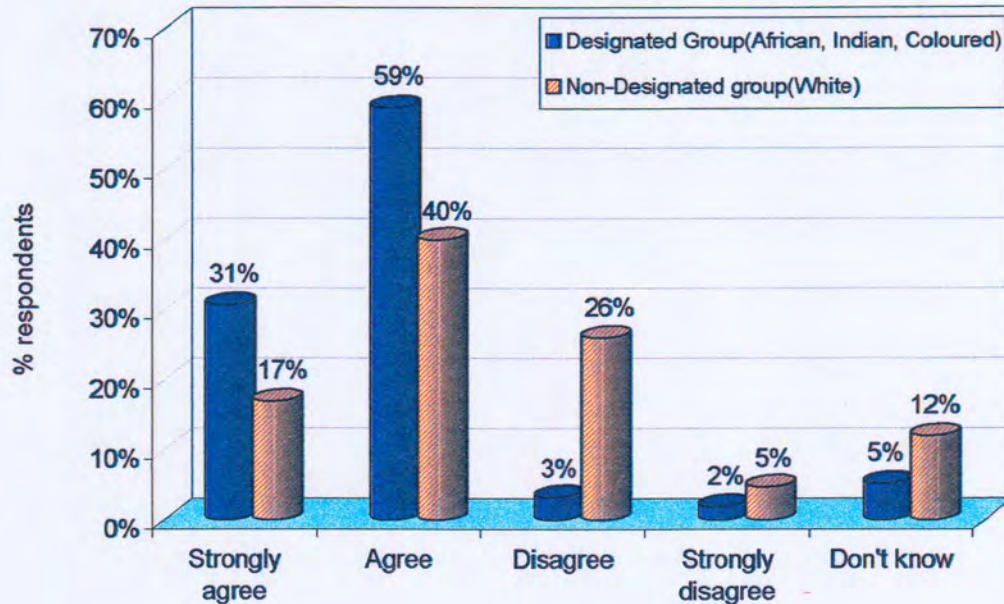


FIGURE 35 : ILLUSTRATING RESPONSES OF THE DESIGNATED AND NON-DESIGNATED GROUPS TO A DIVERSE WORKFORCE



The Chi-Square Test results ($\chi^2 = 48,17$; $df = 4$; $p < 0,05$) reveal that there is a significant difference between the responses of the designated and non-designated groups (refer Figure 35). A larger majority (90%) from the designated group and 57% from the non-designated group agreed/strongly agreed that a diverse workforce will lead to better staff/student relations. Five percent of the designated group and 31% of the non-designated group disagreed/strongly disagreed with the statement.

At HBIs the majority (89%) of the respondents from the designated group agreed/strongly agreed that a diverse workforce will lead to better staff/student relations. The majority (64%) of respondents from the non-designated group also agreed. Six percent of the respondents from the designated group and 22% from the non-designated group disagreed/strongly disagreed.

A larger majority (92%) of the respondents from the designated group at HWIs agreed/strongly agreed that a diverse workforce will lead to better staff/student relations and only 3% disagreed. The majority (55%) of the non-designated group also agreed with this view while 34% disagreed/strongly disagreed.

In summary, therefore, the following were the findings related to whether a diverse workforce at institutions of Higher Education in KZN will lead to better student/staff relations :

- the majority of the total sample agreed;
- a greater majority of the designated group in general agreed;
- a smaller majority of the non-designated group agreed;
- the majority from the designated group employed at HBIs agreed while a very small minority disagreed;
- a smaller majority of the non-designated group employed at HBIs agreed in comparison with the designated group. A much larger percentage (about a quarter) of the non-designated group disagreed compared with the designated group; and,
- the largest majority from the designated group employed at HWIs agreed with a relatively small minority disagreeing. The majority of the non-designated group employed at HWIs also agreed to a smaller extent in comparison with the designated group.

An overwhelming majority of the designated group and a lesser percentage of the non-designated group agreed that a diverse workforce will lead to better staff/student relations. This finding is consistent with the views of Simon (1993 : 74 - 78), Simmons (1982: 6 - 8) and Murphy (1993: 173). A probable reason for this confident response from the designated group is their previous experience at Black institutions where they had a taste of diversity during the apartheid era when Whites could lecture at Black institutions where they enjoyed status and respect.

The lesser agreement by White academics is a cause for concern. It implies a reluctance by some to diversify their staff which, if proven true, would not augur well for the future of Affirmative Action/Employment Equity at institutions of Higher Education, more especially, since it must be acknowledged that racism and sexism have often been a bar to trust among students and staff of different races and sexes. Those who are reluctant to diversify fail to realize that the presence of academics of colour would help attract previously disadvantaged students, provide role models for them, make their adjustment to the campus easier and decrease the alienation many of them feel due to isolation in the predominantly White academic communities. A racially diverse academic staff, moreover, can serve as an example to students of the value of a pluralistic society, that could help eliminate prejudice and discrimination. Also academics of colour and women on the staff are likely to be especially sensitive to discrimination in appointments, promotions, etc., thereby diminishing institutional discrimination and sowing the seeds for good student/staff relations.

A diverse workforce can also sharpen intellectual exchange, allow for challenges to prevailing views and enhance the process of justification and search for truth that are central to the academic enterprise. In addition it can contribute to intellectual diversity among students. They would be exposed to an enriching blend of cultural differences and be given the opportunity to learn to get along with and respect those from varied backgrounds, cultures and traditions.

6.8.7.5 White Academic Staff Resentment towards Preference for Designated Groups

The majority of the respondents in the total sample (50%) agreed/strongly agreed that there is resentment by White academic staff towards members of the designated group for being preferred over them in the Affirmative

Action/Employment Equity efforts. Thirty four percent disagreed/strongly disagreed while 16% indicated that they did not know.

A Chi-Square analysis of the data (Table 9) indicates that there were no significant differences between the responses of the designated group and the non-designated group ($\chi^2 = 10,406$; $df = 2$; $p < 0,05$). The majority of both the non-designated group (47%) and the designated group (55%) agreed/strongly agreed that there was this resentment. Twenty five percent of the designated group and 40% of the non-designated group disagreed/strongly disagreed.

TABLE 9 : RESPONSES OF THE DESIGNATED AND NON-DESIGNATED GROUPS AT HBIs AND HWIs TO WHETHER AFFIRMATIVE ACTION/EMPLOYMENT EQUITY RESULTS IN WHITE STAFF RESENTMENT

RESPONSES	DG*	NDG#	DG IN HBI	NDG IN HBI	DG IN HWI	NDG IN HWI
Strongly agree	18%	14%	19%	04%	16%	13%
Agree	37%	33%	30%	46%	48%	36%
Disagree	19%	34%	20%	22%	18%	31%
Strongly disagree	06%	06%	09%	16%	02%	06%
Don't Know	20%	13%	22%	12%	16%	14%
Total	100%	100%	100%	100%	100%	100%

*DG (DESIGNATED GROUP)

#NDG (NON-DESIGNATED GROUP)

At HBIs the majority of the designated group (49%) agreed/strongly agreed while 29% disagreed/strongly disagreed that there was White staff resentment towards the designated group for their being preferred over

them in Affirmative Action/Employment Equity programmes. The majority of the non-designated group (50%) also agreed/strongly agreed while 38% disagreed/strongly disagreed.

At HWIs the majority (64%) of the respondents from the designated group agreed/strongly agreed while 20% disagreed/strongly disagreed. The majority of the non-designated group (49%) agreed/strongly agreed while 37% disagreed/strongly disagreed.

In summary, therefore, the following are the findings related to whether Affirmative Action/Employment Equity efforts result in White staff resentment towards members of the designated group for being preferred over them :

- the majority of the total sample agreed that this resentment existed;
- the majority of both the designated group and the non-designated group employed at HBIs agreed; and,
- the majority of both designated and non-designated groups employed at HWIs agreed although the extent of agreement was greater among the designated group.

A national survey among the thirty one Higher Education institutions in South Africa conducted by Naidoo *et al.* (2001 : 50) support this finding in that they also established that there was this resentment to Employment Equity from members of staff. While the resistance took various forms, in most cases it was argued that the principles of Affirmative Action perpetuated racial classification and amounted to racism in reverse. Ramashia, the Director-General of the Department of Labour, succinctly sums up the reason for such resentment by Whites thus:

“To expect that these acts [Employment Equity Act, Labour

Act, etc.,] will not be opposed by those who benefited from apartheid is to be naive.”

(Ramashia, 2002 : 1)

The aforementioned findings suggest that the majority of White academics have not as yet bought into the spirit of the Affirmative Action/Employment Equity efforts at institutions of Higher Education in KZN. One of the reasons for this, as revealed in the earlier analyses, is that they have not been adequately schooled in the principles underlying Affirmative Action/Employment Equity. Perhaps in order to fast track the process the cart was put before the horse in that the Employment Equity Act was foisted upon academic staff without debating, discussing and clarifying the basic and important principles underlying it. In order to achieve this time is of essence and expertise and commitment to changing attitudes and avoiding stereotypes are vital for acceptance of Affirmative Action/Employment Equity objectives. This sensitising process involves a great deal of time and could not be achieved before the submission of Employment Equity plans as required by the Department of Labour. Unless this is achieved it could present a major stumbling block to the success of Affirmative Action/Employment Equity efforts.

6.8.7.6 Top Management as Driver of Affirmative Action/Employment Equity Policy and Programmes

The responses of the academic staff to the question whether top management should drive the Affirmative Action/Employment Equity policy and programme are indicated in Table 10.

TABLE 10 : RESPONSES TO TOP MANAGEMENT DRIVING AFFIRMATIVE ACTION/EMPLOYMENT EQUITY POLICY AND PROGRAMMES

RESPONSES	% OF TOTAL SAMPLE
Strongly agree	33%
Agree	41%
Disagree	15%
Strongly disagree	5%
Don't know	6%
Total	100%

The majority (74%) of the total sample agreed/strongly agreed that top management should drive the Affirmative Action/Employment Equity policy and programmes at Higher Education institutions. Twenty percent disagreed/strongly disagreed.

The Chi-Square Test result ($\chi^2 = 5,539$; $df=2$; $p>0.05$) revealed that there were no significant differences in the responses between the designated group and non-designated groups and from both the groups employed at HBIs and HWIs. In all cases there was unanimous support for the top management to drive the Affirmative Action/Employment Equity programmes.

During the personal interview, respondents were asked how much of active support was provided by top management. In only two of the six Higher Education institutions in KZN it was found that a member of the executive management was involved in driving their Equity process. This finding is consistent with the claims made by Naidoo *et al.* (2001 : 44) in their survey of thirty one Higher Education institutions in South Africa. They found only twelve institutions of the thirty one that felt that they had



the “... active, demonstrable, hands-on” support of their senior management as opposed to rhetorical lip service. The belief of many of the practitioners, the survey revealed, was that greater visible, vocal and active support for Affirmative Action/Employment Equity by the Vice-Chancellor and his executive management would undoubtedly help reduce resistance to it.

This lack of visible, vocal and active support from top management is probably due to the fact that these members in top management are either too busy with their institutional matters or they do not actively support Affirmative Action or Employment Equity. Generally, the view of the interviewees was that the respondents rarely come into contact with the Vice-Chancellor or other executive/top management. A large number indicated that the Vice-Chancellor of the institution is too often away from the campus to make any substantial contribution to the success of Affirmative Action/Employment Equity.

Given the above it is imperative to direct top management officers at Higher Education institutions to play a more active role in ensuring that Affirmative Action/Employment Equity programmes are planned adequately and implemented with commitment and dedication. Only then, and then only, will the objective of Affirmative Action/Employment Equity be achieved. Scope for further research exists in determining what contribution was made by top management in Affirmative Action/Employment Equity efforts at their institutions.

6.8.7.7 'Fast Tracking' Appointments from the Designated Group

The responses to the question of whether institutions of Higher Education are guilty of 'fast tracking' appointments from the designated groups without providing adequate staff development for them are indicated in Table 11.

TABLE 11 : RESPONSES OF DESIGNATED AND NON-DESIGNATED GROUPS TO WHETHER INSTITUTIONS ARE GUILTY OF 'FAST TRACKING' APPOINTMENTS FROM THE DESIGNATED GROUP

RESPONSES	DG*	NDG#	DG IN HBI	NDG IN HBI	DG IN HWI	NDG IN HWI
Strongly agree	28%	17%	24%	20%	33%	16%
Agree	24%	30%	25%	40%	21%	26%
Disagree	29%	32%	29%	24%	28%	34%
Strongly disagree	06%	05%	07%	06%	05%	04%
Don't Know	13%	16%	15%	10%	13%	20%
Total	100%	100%	100%	100%	100%	100%

*DESIGNATED GROUP (DG)

#NON-DESIGNATED GROUP (NDG)

The majority (48%) of the total sample agreed/strongly agreed that institutions are guilty of 'fast tracking' appointments from the designated group without providing adequate staff development for them. Thirty six percent of the respondents disagreed/strongly disagreed while 16% indicated that they did not know.

The Chi-Square Test based on the data in Table 11 revealed no significant difference in the responses of the designated group compared with the non-designated group ($\chi^2 = 8,28$; $df = 2$; $p > 0.05$). The majority in both the designated group (52%) and non-designated group (47%) supported the criticism that the institutions were guilty of 'fast tracking' appointments from the designated group without providing them with adequate staff development programmes.

At HBIs a larger majority (60%) of the non-designated group compared with the designated group (49%) agreed that the institutions were 'fast



tracking' appointment of members of the designated group. At HWIs a larger majority from the designated group (54%) than the non-designated group (42%) agreed that there was 'fast tracking'.

In summary the findings related to whether institutions of Higher Education in KZN are guilty of 'fast tracking' appointments from the designated group without providing adequate staff development programmes for them are as follows :

- the majority of the total sample agreed that this practice is prevalent;
- the majority from the non-designated group employed at HBIs also agreed; and,
- the majority of the designated group at HWIs also agreed that 'fast tracking' was common knowledge.

It is evident from the above analysis that institutions of Higher Education in KZN are guilty of 'fast tracking' appointments from the designated groups without providing them with adequate staff development programmes. Experiences in countries reviewed reveal that 'fast tracking' is generally undertaken either in response to political pressure, legal imperatives or to meet rigid quotas. Such criteria for appointment of candidates from the designated group run counter to the basic principle underlying Affirmative Action/Employment Equity and are frowned upon by their proponents.

If such appointments are not followed by a suitably designed educational enhancement (staff development/capacity building) programme it can have a devastating effect on appointees, students and the quality of education at the respective institutions. It can also be construed to be a kind of tokenism with its attendant negatives.

6.8.7.8 Consultation in Development of Affirmative Action/Employment Equity Programmes

The majority (48%) agreed/strongly agreed that consultation was not inclusive of all academic staff from the lowest level upwards in developing the Affirmative Action/Employment Equity programmes/policy. Thirty one percent of the respondents indicated that they did not know whether this was the case which implies that they were not consulted. It is evident that 79% of the respondents were not consulted in the formulation of Affirmative Action/Employment Equity programmes and policy. A minority (21%) indicated that they disagreed/strongly disagreed.

A Chi-Square analysis of the responses ($\chi^2 = 6,771$; $df=2$; $p > 0,05$) indicated that there were no significant differences between the responses of the designated and non-designated groups. The majority of both the designated (82%) and non-designated group (76%) agreed that in developing the Affirmative Action/Employment Equity programmes/policy consultation was not inclusive of all academic staff from the lowest level upwards. At HBIs the majority (60%) of the non-designated group and 49% of the designated group agreed that there was no consultation with the majority of the staff complement. At HWIs the majority (54%) of the respondents from the designated group and 42% from the non-designated group agreed.

In summary the majority of the total sample in general and those employed at HBIs and HWIs indicated that they were not consulted. On further analysis it was evident that more respondents from the non-designated group at HBIs and the designated group at HWIs were not consulted. Further research would be necessary to identify the reasons why the majority of the academic staff were not consulted. This finding does not augur well for the success of Affirmative Action/Employment Equity policy/ programmes at institutions of Higher Education in KZN. It



is probably one of the major reasons for the resistance to and lack of 'buy in' into the spirit of Affirmative Action/ Employment Equity as revealed during the earlier part of the analysis. In any endeavour bottom up consultation is essential for success. Ramashala (2001 : 10), Chairperson of the Employment Equity Commission, also supports this view by stating that:

“Communication, consultation and awareness raising should be inclusive of all workers and managers.”

If this was done then any ethnic or racial conflict arising from the antagonism towards preferential treatment associated with Affirmative Action/Employment Equity could be avoided or tempered, as the implementation would be the product of consensus of both the proponents and opponents. Also when individuals become directly involved in the design of a programme a sense of ownership emerges and that helps to ensure its success. The above finding is also in contradiction to the requirements of the Employment Equity Act No. 55 of 1998 which states categorically that:

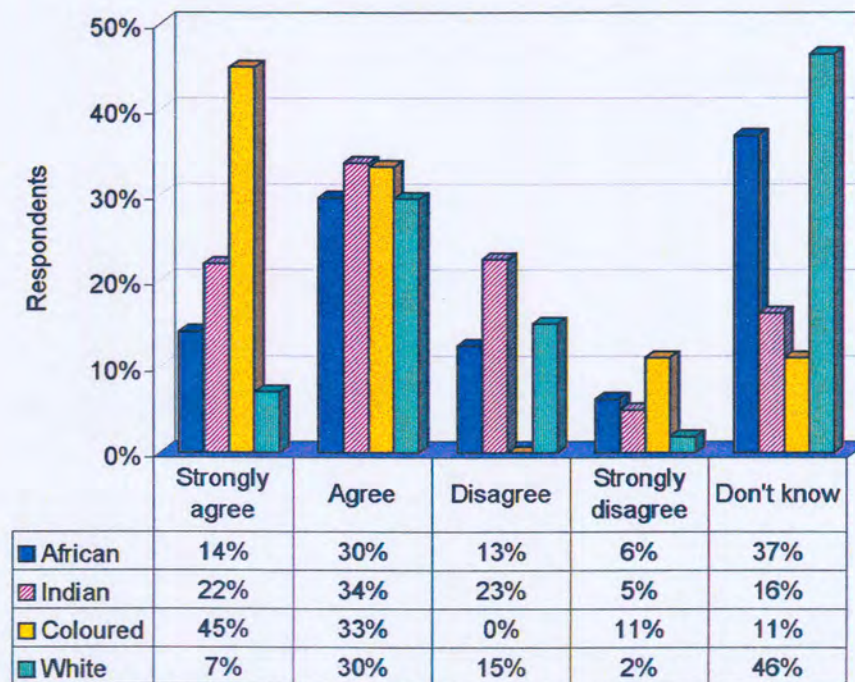
“A designated employer must take reasonable steps to consult and attempt to reach agreement with its employees or their nominated representatives on the conduct of its equity analysis, on the preparation and implementation of its employment equity plan and on the reports it submits to the government.”

(DOL, 1998 : Section 16)

6.8.7.9 Indian/Coloured Staff Resentment to Preferential Treatment

The majority of the total sample (44%) agreed/strongly agreed that there is resentment by Indians/Coloureds towards Africans being preferred over them. Nineteen percent of the respondents indicated that they disagree/strongly disagree. A relatively large percentage (36%) indicated that they did not know, of which 38% were Africans and 46% Whites.

FIGURE 36: ILLUSTRATING RESPONSES OF INDIVIDUAL RACIAL GROUPS TOWARDS INDIAN/COLOURED RESENTMENT

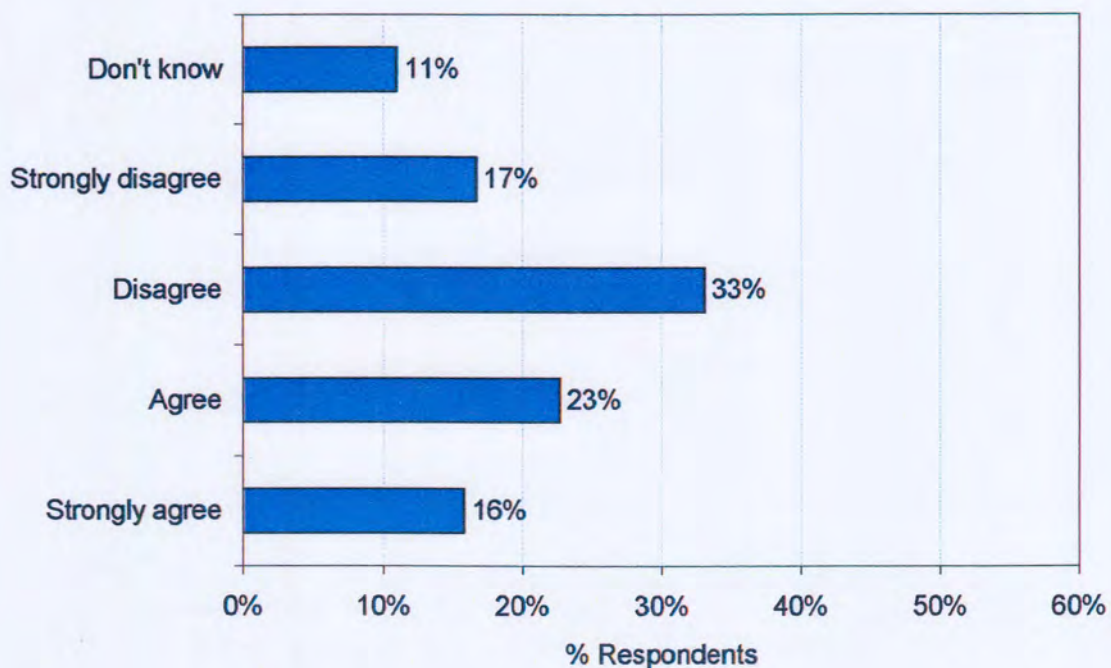


On further analysis of the responses of individual race groups to the question (refer to Figure 36) it was revealed that the majority of the Coloured academics (78%) and 56% Indian academics agreed/strongly agreed that there was resentment towards Africans being promoted over them. From the analysis of the total sample it is glaringly evident that this is so. Drawing on information from personal interviews this can be attributed to the fact that Indians and Coloureds felt that they too were victims of apartheid. Therefore they should also be treated as

beneficiaries of Affirmative Action/Employment Equity efforts in the new democracy. Anything contrary to this would arouse resentment.

6.8.7.10 Hiring of Unqualified Staff from the Designated Group

FIGURE 37: SHOWING RESPONSES TO WHETHER AFFIRMATIVE ACTION/ EMPLOYMENT EQUITY INITIATIVES RESULT IN HIRING UNQUALIFIED STAFF FROM THE DESIGNATED GROUP



The responses to the question whether Affirmative Action/Employment Equity initiatives result in vast numbers of unqualified staff from the 'designated' group being hired are indicated in Figure 37. It reveals that the majority (50%) of the total sample disagreed/strongly disagreed that Affirmative Action/Employment Equity initiatives result in vast numbers of unqualified staff from the designated group being hired. Thirty nine percent of the respondents, however, agreed/strongly agreed while 11% indicated that they did not know. There were no significant difference between the responses of the designated group and non-designated group ($\chi^2 = 2,865$; $df = 2$; $p > 0,05$).



Since Higher Education is regarded as the microcosm of the wider South African society to have unqualified staff appointed to such institutions in the guise of Affirmative Action/Employment Equity would have severe repercussions for Higher Education in particular and the country as a whole. This finding is, therefore, a positive one for Higher Education in KZN.

6.8.7.11 Performance of Indian/Coloured Male Academics

The majority (47%) of the total sample indicated that they did not know. However, 30% of the respondents from the total sample disagreed/strongly disagreed with the perception that Indian/Coloured male academics are not performing to their optimum because they are frustrated about their perceived limited opportunity and only 23% agreed/strongly agreed.

The Chi-Square Test result indicated that there was a significant difference in the responses of the designated and the non-designated groups regarding the above question ($\chi^2 = 31,404$; $df = 2$; $p > 0,05$). An equal percentage of respondents from the designated group agreed (35%) compared with those who disagreed (35%). The majority of the non-designated group (58%) indicated that they did not know while a minority of 14% agreed.

TABLE 12 : RESPONSES OF MEN FROM DIFFERENT RACIAL GROUPS TO PERFORMANCE OF COLOURED/INDIAN MEN

	PERCENTAGE RESPONSES			
	AFRICAN	INDIAN	COLOURED	WHITES
Strongly agree	08%	28%	17%	02%
Agree	05%	26%	50%	14%
Disagree	35%	28%	0%	23%
Strongly disagree	08%	07%	0%	07%
Don't know	44%	11%	33%	54%
TOTAL	100%	100%	100%	100%

A further analysis of the responses of male academics from the different racial groups (refer to Table 12) to this question revealed that there was a significant difference ($\chi^2 = 54, 595$; $df = 12$; $p < 0,00$) in their responses. The majority of Coloured men (67%) and 54% of Indian men agreed/strongly agreed that Indian/Coloured male academics are not performing to their optimum because they are frustrated by the perceived limited opportunity. The majority of White male academics (54%) and 44% Africans indicated that they did not know.

From the above analysis it is apparent that Indian/Coloured men are not performing to their optimum. The majority of White and African academics indicated that they did not know.

6.8.7.12 Performance of White Male Academics

The majority of the total sample (40%) disagreed/strongly disagreed that White men are not performing to their optimum because they are frustrated about their perceived limited opportunities. Almost a third of the

respondents (32%), however, agreed/strongly agreed that this is so. Twenty eight percent of the respondents indicated that they did not know.

TABLE 13: RESPONSES OF DESIGNATED, NON-DESIGNATED GROUPS AND WHITE MEN TO WHITE MEN NOT PERFORMING TO THEIR OPTIMUM

RESPONSES	*DG IN HBI	DG IN HWI	#NDG IN HBI	NDG IN HWI	% RESPONSE OF WHITE MEN
Strongly agree	17%	16%	12%	9%	11%
Agree	14%	23%	20%	21%	20%
Disagree	25%	21%	30%	34%	36%
Strongly disagree	10%	10%	10%	11%	14%
Don't know	34%	30%	28%	25%	19%
TOTAL	100%	100%	100%	100%	100%

*DG (DESIGNATED GROUP)

#NDG (NON-DESIGNATED GROUP)

At HBIs the majority of the designated group (35%) disagreed/strongly disagreed with this statement and 34% did not know (refer to Table 13). Thirty one percent of the respondents agreed/strongly agreed.

Table 13 also reveals that at HWIs the majority in the designated group (39%) agreed/strongly agreed that White male academics are not performing at their optimum level while 31% disagreed/strongly disagreed. Thirty percent indicated that they did not know. A larger majority of White men (50%) disagreed/strongly disagreed that they are not performing to their optimum because they are frustrated about their perceived limited opportunities resulting from Affirmative Action/Employment Equity efforts while 31% agreed.

It is evident from the aforementioned analyses that the majority of the respondents in the total sample generally disagree that White men are not performing to their optimum because they are frustrated about their perceived limited opportunities resulting from Affirmative Action/Employment Equity efforts. A relatively larger majority of White men themselves disagree that they felt this way. The findings endorse the fact that White academics are performing to their optimum which augurs well for the future of Affirmative Action/Employment Equity in Higher Education.

6.8.7.13 Preferential Treatment of Black Women over White Women

The majority (54%) of the total sample disagreed/strongly disagreed while 39% of them agreed/strongly agreed that Black women academics should be given greater preferential treatment over White women. Six percent indicated that they did not know.

TABLE 14 : RESPONSES OF MALES AND FEMALES FROM THE DESIGNATED AND NON-DESIGNATED GROUPS TO WHETHER BLACK WOMEN SHOULD BE GIVEN PREFERENCE OVER WHITE WOMEN

	MALES *(DG)	WOMEN (DG)	MALES #(NDG)	WOMEN (NDG)	DG	NDG
Strongly agree	19%	25%	04%	04%	22%	04%
Agree	39%	45%	20%	28%	36%	23%
Disagree	20%	17%	42%	43%	23%	42%
Strongly disagree	17%	08%	27%	20%	13%	25%
Don't know	05%	5%	07%	05%	06%	06%
TOTAL	100%	100%	100%	100%	100%	100%

*DG (DESIGNATED GROUP)

#NDG (NON-DESIGNATED GROUP)

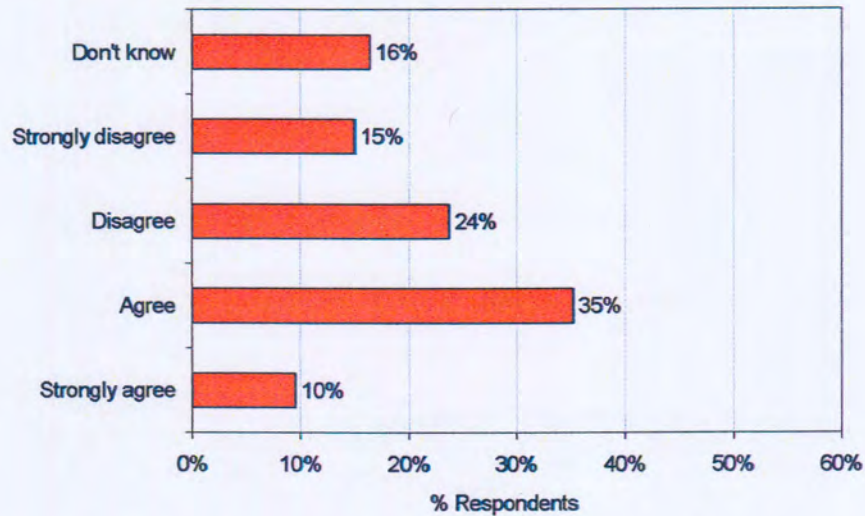
A Chi-Square analysis of the responses reveal a significant difference between the responses of the designated group and the non-designated group ($\chi^2 = 36,111$; $df = 2$; $p < 0,05$). The majority of the respondents in the designated group (58%) agreed/strongly agreed while 36 % disagreed/strongly disagreed with this view. Of the non-designated group, on the other hand, a greater majority (67%) of the respondents disagreed/strongly disagreed while 27% agreed/strongly agreed.

On further analysis of the data (Table 14) it is clear that 69% of White men and 63% of White women disagreed/strongly disagreed with the proposal. The majority of Black women (70%) and 58% of Black men agreed. It is, therefore, obvious that the majority of White academics, men in particular, objected to the proposal that Black women be given greater preferential treatment over White women in Affirmative Action/Employment Equity efforts while Black women academics in particular agreed with it. A probable reason for this response from Black women academics is that they claim to have suffered the double indignity of racial and gender discrimination during the apartheid era.

6.8.7.14 Women as Beneficiaries of Affirmative Action/Employment Equity Programmes

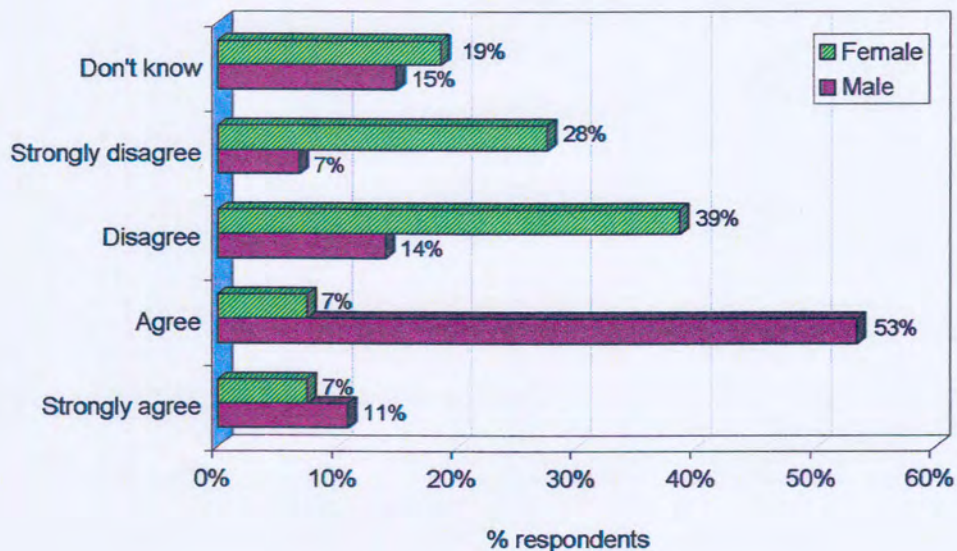
Figure 38 illustrates the responses of the academic staff to the question of whether women are given adequate priority as beneficiaries of Affirmative Action/Employment Equity programmes.

FIGURE 38: ILLUSTRATING RESPONSES OF THE TOTAL SAMPLE TO WOMEN AS BENEFICIARIES OF AFFIRMATIVE ACTION/EMPLOYMENT EQUITY EFFORTS



The majority of the total sample (45%) in Figure 38 agreed/strongly agreed that women are given adequate priority as beneficiaries in the Affirmative Action/Employment Equity programmes while 39% disagreed/strongly disagreed and 16% did not know.

FIGURE 39: ILLUSTRATING RESPONSES OF MALES AND FEMALES TO WOMEN AS BENEFICIARIES OF AFFIRMATIVE ACTION/EMPLOYMENT EQUITY EFFORTS





On applying the Chi-Square Test to the responses of male and female academics to whether women are given adequate priority as beneficiaries in Affirmative Action/Employment Equity programmes a significant difference emerged ($\chi^2 = 101,3$; $df = 4$; $p < 0,05$). When this difference was analysed further it was revealed that the majority of male academics (64%) agreed/strongly agreed while the majority of females (67%) disagreed/strongly disagreed. An investigation into the reason for such differences offer scope for further research.

It is evident from the analysis that the responses of the total sample is not a true reflection of the *status quo* at Higher Education institutions in KZN as the sample is skewed in favour of the majority of male academics. White male academics are satisfied that women as beneficiaries of Affirmative Action/Employment Equity programmes are given adequate priority. A significant majority of women academics claim that this is not the case.

This finding is consistent with the research finding by Howell *et al.* (2000: 50, 61) at the University of Western Cape. It is also consistent with trends that prevailed at South African institutions of Higher Education in the early 1990s where even basic data on the gender distribution of staff were conspicuous by their absence. The neglect of women as Affirmative Action/Employment Equity beneficiaries is also evident in many countries reviewed such as India, Namibia and Zimbabwe.

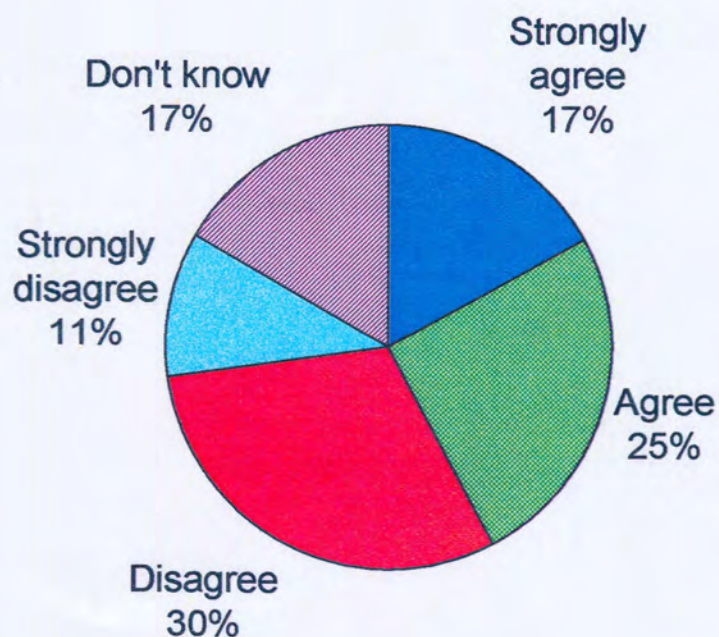
This perception of male academics revealed is also a probable reason for Subotsky's (2001: 36) claim that academic female staff still remain underrepresented in the Higher Education system in South Africa in general, more so in higher ranks. Also most males are in decision-making structures and key positions. If the perception of male academics is anything to go by then progress of women will continue to be slow. Further research in this area is essential.

Also this finding is consistent with that of Mayer and Bacchi (1996 : 4) who found in their study that a large majority of men did not believe that women faced discrimination and, therefore, saw no need for Affirmative Action/Employment Equity programmes. During the personal interview as well men agreed that Affirmative Action/Employment Equity was adequate and that enough has already been done for the advancement of women.

6.8.7.15 Affirmative Action/Employment Equity Efforts and Appointment/Promotion Standards

The responses to the question of whether Affirmative Action/Employment Equity efforts have resulted in lowering of appointment and promotion standards at their institutions are indicated in Figure 40.

FIGURE 40 : ILLUSTRATING RESPONSES TO WHETHER AFFIRMATIVE ACTION/EMPLOYMENT EQUITY EFFORTS LOWER APPOINTMENT / PROMOTION STANDARDS



The majority (42%) of the total sample agree/strongly agree that Affirmative Action/Employment Equity efforts result in lowering of appointment and promotion standards at their respective institutions while 41% stated that they disagree/strongly disagree. Seventeen percent of the respondents indicated that they did not know.

The Chi-Square Test result ($\chi^2 = 14,893$; $df = 4$; $p < 0,05$) indicated that there was a significant difference between the responses of the designated and non-designated groups. On further analysis of these differences it was found that of the majority that agreed 48% were from the non-designated group while 35% were from the designated group. Of those that disagreed 47% were from the designated group while 37% were from the non-designated group. It is evident, therefore, that the majority of the White academics perceive Affirmative Action/Employment Equity efforts as resulting in the lowering of appointment and promotion standards at institutions of Higher Education in KZN.

Such a perception does not augur well for the success of Affirmative Action/Employment Equity efforts in institutions of Higher Education and can serve as a barrier to its success. It is also contrary to the views of proponents of Affirmative Action/Employment Equity. Evident from the findings is a clear lack of knowledge of what true Affirmative Action/Employment Equity is about and the perception that it is based on the incorrect premise of confusing the changing of standards with lowering them. Affirmative Action does not call for a lowering of appointment and promotion standards but rather that they be redefined or reconceptualised. What such a perception fails to take into consideration is that the traditional standards, given birth to in apartheid South Africa, were used as a mechanism to exclude Blacks and women from certain positions of privilege and power, which were set aside for White male academics often even in Historically Black Institutions.

6.8.8 INSTITUTIONAL BARRIERS TO AFFIRMATIVE ACTION/EMPLOYMENT EQUITY

South African institutions of Higher Education face a number of constraints, barriers and challenges that set them apart from most other designated employers. Many of these barriers in Higher Education are the result of the legacy of apartheid that are impacting on the current situation. The recent changes in the Higher Education staff profile shows very little progress (Subotsky, 2001 : 22 - 38). This suggests that various structural, institutional and practice-embedded barriers to Employment Equity are responsible for the resistance to change. Given the aforementioned question 14.1 - 15 were introduced to assess the perceptions of the respondents about the barriers to Employment Equity at institutions of Higher Education.

6.8.8.1 Institutional Culture and Climate

TABLE 15 : RESPONSES TO INSTITUTIONAL CULTURE AND CLIMATE AS BARRIERS TO AFFIRMATIVE ACTION/EMPLOYMENT EQUITY

	*DG IN TOTAL SAMPLE	#NDG IN TOTAL SAMPLE	DG AT HBIs	NDG AT HBIs	DG AT HWIs	NDG AT HWIs	% OF THE TOTAL SAMPLE
To a great extent	33%	08%	28%	10%	38%	07%	19%
To some extent	36%	43%	38%	46%	34%	42%	40%
To a small extent	13%	24%	15%	20%	10%	25%	19%
Not at all	18%	25%	19%	24%	18%	26%	22%
Total	100%	100%	100%	100%	100%	100%	100%

*DG (DESIGNATED GROUP)

#NDG (NON-DESIGNATED GROUP)

HBI (HISTORICALLY BLACK INSTITUTIONS)

HWI (HISTORICALLY WHITE INSTITUTIONS)

With respect to institutional culture and climate the majority (59%) of the respondents in the total sample regarded these as barriers to Affirmative Action/Employment Equity efforts at their institutions; 40% said they were barriers to some extent and 19% to a small extent and 22% not at all.

Chi-Square Test results revealed that there was a significant difference ($\chi^2 = 36,671$; $df = 2$; $p < 0,05$) in the responses of the designated and non-designated groups to this question. A further analysis of these differences revealed that 33% of the designated group found institutional culture and climate to be major barriers to Employment Equity as opposed to 8% of those from the non-designated group. Interestingly the majority of the non-designated group (43%) as well as the designated group (36%) identified this phenomena as barriers to some extent.

The Chi-Square Test also revealed a significant difference ($\chi^2 = 42,311$; $df = 12$; $p < 0,00$) in the responses of the designated and non-designated groups at HBIs and HWIs. At HWIs the majority (38%) of the designated group regarded institutional culture and climate as major barriers as against 7% of the non-designated group. The majority of respondents, however, from the non-designated group at HWIs (42%) and HBIs (46%) as well as those from the designated group at HBIs (38%) agreed that institutional climate and culture were barriers to Affirmative Action/Employment Equity efforts to some extent.

It is evident from the above analyses that the majority from the designated and non-designated groups regarded the institutional culture and climate as significant barriers to Affirmative Action/Employment Equity efforts at their respective institutions. The aforementioned finding is also supported by Subotsky (2001 : 37) and Mbokota (2001 : 70) who describe this alienating culture as the **“invisible hand that hampers EE”**. Clearly evident also is that the designated group at HWIs in particular felt more strongly about these barriers. This is probably due to the fact that norms

within HWIs developed as a result of the history of the institution being 'historically White'.

During personal interviews some members of the designated group at HWIs indicated that the prevailing attitudes there do not encourage and respect diversity. Others indicated that there is a lack of understanding of their difficulties and yet others complained that they were left to cope alone and thus felt alienated. The implication from the responses of the designated group is that the institutions are not transforming rapidly enough. An investigation of the transformation in institutional culture and climate at the respective institutions offer opportunity for further research.

6.8.8.2 Identity, Reputation and Image of Institutions

TABLE 16 : RESPONSES TO THE IDENTITY, REPUTATION AND IMAGE OF INSTITUTIONS AS BARRIERS TO AFFIRMATIVE ACTION/ EMPLOYMENT EQUITY

	DG*	NDG#	% OF TOTAL SAMPLE
To a great extent	16%	09%	12%
To some extent	37%	31%	33%
To a small extent	20%	18%	18%
Not at all	27%	42%	37%
TOTAL	100%	100%	100%

*DG (DESIGNATED GROUP)

#NDG (NON-DESIGNATED GROUP)

The findings reveal that the majority of the respondents (37%) maintained that identity, reputation and image of the institution did not at all serve as barriers to the implementation of Affirmative Action/Employment Equity at their institutions. The data in Table 16 reveal further that this response is

loaded by the fact that the majority of the respondents (42%) were from the non-designated group as opposed to 27% from the designated group. The Chi-Square Test result reveals that the majority of respondents from the designated group differed significantly ($\chi^2 = 10,856$; $df = 2$; $p < 0,004$) from the non-designated group in that they were of the opinion that image, identity and reputation did serve as barriers to a great extent (16%), to some extent (37%) and to a small extent (20%) whereas the majority of the non-designated group were of the opinion that image, identity and reputation were not significant barriers to the implementation of Affirmative Action/Employment Equity programmes at their respective institutions.

Howell *et al.* (2000 : 51) lend support to the view of the designated group; they claim that the institutions' identity, reputation and image in society determine the calibre of staff and students they attract. The success of Employment Equity efforts in attracting competent individuals from the designated groups who are underrepresented at institutions is influenced by this image.

6.8.8.3 Inability to Manage Staff Diversity

TABLE 17 : RESPONSES TO MANAGEMENT OF DIVERSITY AT INSTITUTIONS

	*DG IN TOTAL SAMPLE	#NDG IN TOTAL SAMPLE	DG AT HBIs	NDG AT HBIs	DG AT HWIs	NDG AT HWIs	% OF THE TOTAL SAMPLE
To a great extent	31%	21%	30%	26%	35%	19%	25%
To some extent	24%	19%	25%	16%	21%	20%	21%
To a small extent	21%	26%	26%	26%	13%	26%	24%
Not at all	24%	34%	19%	32%	31%	35%	30%
Total	100%	100%	100%	100%	100%	100%	100%

*DG (DESIGNATED GROUP)

#NDG (NON-DESIGNATED GROUP)

HBI (HISTORICALLY BLACK INSTITUTIONS)

HWI (HISTORICALLY WHITE INSTITUTIONS)

An analysis of the responses of the total sample with respect to the inability of institutions to manage diversity revealed that the majority (30%) regarded this phenomenon as not a barrier to Affirmative Action/ Employment Equity programmes. An in-depth analysis of the responses using the Chi-Square Test revealed an interesting difference ($\chi^2 = 4,607$; $df = 2$, $p < 0,05$) between the perceptions of the designated and non-designated groups. It reflected that the initial finding was influenced primarily by the view of the non-designated group (34%) that was contrary to the view of the majority of the designated group. The designated group maintained that the inability of their institutions to manage diversity was a significant barrier to Affirmative Action/ Employment Equity effort to a great extent (31%) and to some extent (24%).

At HBIs the majority of the designated group (30%) found this phenomenon to be a barrier to Affirmative Action/Employment Equity efforts to a great extent as opposed to the non-designated group who indicated that it was not a barrier at all. Also at HWIs the majority of the designated group regarded their institutions' inability to manage diversity as being a barrier to a great extent (35%) as opposed to the 'not at all' response (35%) by the non-designated group.

On the whole the findings reveal a significant difference in the perceptions of the designated and non-designated groups. While the non-designated group perceived the inability of their institutions to manage diversity as not being a barrier to achieving Employment Equity the designated group felt this was the case. This perception of the designated group is supported by Norris (www.immi.se/intercultural/nr3/norris.htm) who claims that Affirmative Action/Employment Equity on its own is not the whole answer to accelerating process of change in Higher Education. He maintains that it is essential that the diversity created by Affirmative Action/Employment

Equity be effectively managed by using a strategic management approach. In the USA Affirmative Action programmes on their own have not been successful because institutions failed to manage the diversity created (Norris, www.immi.se/intercultural/nr3/norris.htm). Roosevelt (1990 : 107) lends support to the findings that “**Managing diversity does not mean controlling or containing diversity it means enabling every member ... to perform to his or her potential**”. Only then would Affirmative Action/Employment Equity efforts succeed.

6.8.8.4 Failure to Build Capacities of Affirmative Action/Employment Equity Beneficiaries

TABLE 18 : RESPONSES TO THE FAILURE TO BUILD CAPACITIES OF AFFIRMATIVE ACTION/EMPLOYMENT EQUITY BENEFICIARIES

	*DG IN TOTAL SAMPLE	#NDG IN TOTAL SAMPLE	DG AT HBIs	NDG AT HBIs	DG AT HWIs	NDG AT HWIs	% OF THE TOTAL SAMPLE
To a great extent	32%	26%	25%	34%	43%	20%	29%
To some extent	32%	26%	39%	24%	21%	29%	28%
To a small extent	20%	27%	22%	18%	18%	30%	24%
Not at all	16%	21%	14	24%	18%	21%	19%
Total	100%	100%	100%	100%	100%	100%	100%

*DG (DESIGNATED GROUP)

#NDG (NON-DESIGNATED GROUP)

According to Table 18 the majority of the total sample (29%) believe to a great extent that their institutions' failure to build capacities of Affirmative Action/Employment Equity beneficiaries is a barrier to achieving Employment Equity. The Chi-Square Test result ($\chi^2 = 4,607$; $df = 2$ $p > 0,05$) revealed no significant difference between the responses of the designated and non-designated groups to this question. Both the designated (32% and 32%) and non-designated groups (26% and 26%)

perceived this factor to be a barrier to Employment Equity to a great extent and to some extent respectively. An average of under 20% maintained that it was not the case. At HBIs and HWIs similar responses from the designated and non-designated groups prevailed except that a relatively larger majority (43%) of the designated group at HWIs believed that was the case as against 20% of the non-designated group.

The literature reviewed (Sterba, 1993 : 286 - 7; RMIT, 1998 : 4) shows that the phenomena of managing diversity and building capacity of Affirmative Action/Employment Equity beneficiaries are inextricably linked. The findings also reveal that respondents from the non-designated group perceived managing diversity and building capacity of Affirmative Action/Employment Equity beneficiaries as separate issues which calls for further research.

6.8.8.5 The 'Sink or Swim' Dilemma

TABLE 19 : RESPONSES TO THE 'SINK OR SWIM' DILEMMA OF AFFIRMATIVE ACTION/EMPLOYMENT EQUITY BENEFICIARIES

	*DG IN TOTAL SAMPLE	#NDG IN TOTAL SAMPLE	DG AT HBIs	NDG AT HBIs	DG AT HWIs	NDG AT HWIs	% OF THE TOTAL SAMPLE
To a great extent	26%	25%	15	24%	39%	23%	26%
To some extent	32%	27%	34%	30%	28%	24%	28%
To a small extent	24%	24%	22%	18%	18%	26%	22%
Not at all	18%	24%	29%	28%	15%	27%	24%
Total	100%	100%	100%	100%	100%	100%	100%

*DG (DESIGNATED GROUP)

#NDG (NON-DESIGNATED GROUP)

HBI (HISTORICALLY BLACK INSTITUTIONS)

HWI (HISTORICALLY WHITE INSTITUTIONS)

Related to the above finding the data in Table 19 reveal that the majority of the respondents in the total sample maintain that the 'sink or swim' dilemma of new staff from the designated group is experienced to a great extent (26%) and to some extent (28%) respectively. This supports the findings in the previous question related to the institutions' failure to build capacity of Affirmative Action/Employment Equity beneficiaries that impacts negatively on achieving success in Employment Equity. It also recognizes that Affirmative Action/Employment Equity beneficiaries are in fact at a disadvantage due to a lack of support for capacity building. A further analysis of this finding shows support for this by the revelation that the majority of the designated group (32% to some extent and 26% to a great extent respectively) indicated that this is their perception of the situation. The majority of the non-designated group (27% to some extent and 25% to a great extent) also indicated that the 'sink or swim' dilemma is a barrier to achieving success in Employment Equity.

At HWIs the majority of the designated group (39%) believe that this is the case as against 23% of the non-designated group. At HBIs the majority of both designated (34%) and non-designated (30%) groups agreed to some extent.

In general the majority of respondents agreed that the 'sink or swim' dilemma impacts negatively on achieving Employment Equity. This finding is consistent with the revelations of the Employment Equity Plan: 2000 - 2002 of UCT (UCT, 2000 : 2) where the 'sink or swim' dilemma was also perceived as a barrier to Equity. It was found that the 'sink or swim' approach to teaching and research which is claimed to be inherent in academia, is responsible for alienating and confusing new staff from the designated group. Hence, it is regarded as a barrier to Employment Equity.

6.8.8.6 Workload of Women

TABLE 20 : RESPONSES TO WOMEN'S WORKLOAD BEING GREATER THAN MEN'S

	MALE	FEMALE	% OF TOTAL SAMPLE
To a great extent	02%	17%	07%
To some extent	12%	32%	21%
To a small extent	17%	19%	18%
Not at all	69%	32%	54%
TOTAL	100%	100%	100%

The data in Table 20 reveal that the majority of respondents in the total sample (54%) believe that the greater workload of women over men is not a barrier to achieving Employment Equity. Further analysis of the responses of male and female respondents indicate that the majority of women feel that their greater workload is a barrier to achieving Employment Equity. The majority of male respondents (69%) indicated that this was not the case at all.

Several studies in South Africa, the USA and Australia support this perception of women in the present study. It is argued by several researchers, namely, Burton (1997 : 66), McAuley (1987 : 170), Deane *et al.* (1996 : 4), Fry *et al.* (1996 : 92) and Baldwin (1985 : 161-162), that the higher work load allocated to women have a negative impact on their career progress. Generally, the more mundane administrative tasks as well as the large first year courses are allocated to the more junior academic staff to perform. This has a negative impact on women, given

their disproportionate representation at these lower levels as is the case in South Africa (Subotsky, 2001 : 36 - 37).

During personal interviews women claimed that the large classes have negative effect on their time and research output and consequently their promotional possibilities. The finding regarding women's workload as a barrier to Employment Equity is fertile ground for future research.

6.8.8.7 Lack of Advancement Possibilities for Women

TABLE 21 : RESPONSES TO LACK OF ADVANCEMENT POSSIBILITIES FOR WOMEN

	MALE	FEMALE	% OF TOTAL SAMPLE
To a great extent	12%	40%	22%
To some extent	18%	26%	21%
To a small extent	19%	12%	17%
Not at all	51%	22%	40%
TOTAL	100%	100%	100%

The lack of advancement possibilities for women academics as a barrier to Employment Equity has also revealed opposing views from male and female academics. While the majority of the respondents (40%) revealed that this was not a barrier to Affirmative Action/Employment Equity efforts, it must be emphasised that the majority response is influenced by the fact that male respondents were in the majority and it is clear that they were not in support of women being given preferential treatment or being Affirmative Action beneficiaries.

A further analysis of the responses of male and female academics indicated that the majority (51%) of males in the sample believed that the lack of advancement possibilities for women particularly in decision-making and leadership positions was not at all a barrier to Employment Equity.

Eighteen percent of male respondents indicated that this was the case to some extent while 19% felt it was so to a small extent.

Padayachee and Gawe (2002 : 16) and Mabokela (2002 : 94) lend support to this finding; they argue that women have been discriminated against in promotion to senior positions at Higher Education institutions. Their studies reveal that more women are leaving senior positions in Higher Education institutions because it is considered a hostile environment with very little or no support for them in these positions. The findings support the 'sink or swim' climate women find themselves in.

While the findings in this study show that the majority of male respondents feel that this is not a barrier to Employment Equity for women this finding may be invalid if the 'voices' of the small group of women respondents is not given consideration when recommendations are being considered. The response of women academics to the question on lack of possibilities for advancement in this study reveals that the majority (40%) of them regard it as a barrier to a great extent while 26% consider it as a problem to some extent.

This lack of adequate number of women in key decision-making bodies has been the subject of criticism of a number of investigations on the position of women in Higher Education. Erasmus (1998 : www.sabusinessreview.co.za/December1999/articles/booyesen.htm) as well points out from his research on South African career women, that professional and managerial women have difficulty more than men in

advancing to higher level management positions even though they may be just as talented, qualified and committed to their careers. This is regarded as one of the key impediments to their progress. In view of the increasing number of women in South African institutions of Higher Education (Subotsky, 2001 : 37), they constitute a significant stakeholders group. A lack of advancement possibilities for them will definitely slow the process of Employment Equity for women in Higher Education.

6.8.8.8 The Traditional Masculine Culture

TABLE 22 : RESPONSES TO THE TRADITIONAL MASCULINE CULTURE HINDERING WOMEN'S PROGRESS

	MALE	FEMALE	% OF TOTAL SAMPLE
To a great extent	13%	36%	21%
To some extent	23%	28%	25%
To a small extent	22%	17%	20%
Not at all	42%	19%	34%
TOTAL	100%	100%	100%

With regard to whether the traditional masculine culture at institutions of Higher Education is a barrier to Employment Equity the majority of the total sample (34%) indicated that this is not the case at all while 21% maintained it is the case to a great extent and 25% said it is to some extent. On further analysis it was revealed that the majority of males (42%) disagreed. Contrary to this response the majority of females agreed that this was the case to a great extent (36%) and 28% said it was to some extent.

The perception of women that the traditional masculine culture creates a poor work environment for them to progress towards Employment Equity is supported by Padayachee and Gawe (2002:16), Booysen: (www.sabusinessreview.co.za/December1999/articles/booyesen.htm) and Potts (2000 : 91 - 92) locally and Burton (1997 : ix), Holton (1988 : 16) and Sandler and Hall (1986 : 4) abroad. In this regard, the Equity Review Report of the University of Western Australia states that the single most important change required to expedite Employment Equity for women is to eliminate the masculine culture and its implicit values at institutions (Burton, 1997 : 16). Sandler and Hall (1986 : 4) maintain that this traditional masculine culture creates a “**chilly climate**” against women's advancement; less support for women's scholarship, devaluation of their scholarly contributions and generally demoralizing and harassing interaction with their male colleagues.

During the personal interview women academics intimated that men generally apply male value stances in recruitment and promotion and that the work environment they create is gender neutral. The aforementioned experiences and perceptions of women provide grounds for further research.

6.8.8.9 Negative Attitudes and Stereotyping

TABLE 23 : RESPONSES TO NEGATIVE ATTITUDES AND STEREOTYPING AS BARRIERS TO AFFIRMATIVE ACTION/EMPLOYMENT EQUITY

	*DG IN TOTAL SAMPLE	#NDG IN TOTAL SAMPLE	DG AT HBIs	NDG AT HBIs	DG AT HWIs	NDG AT HWIs	% OF THE TOTAL SAMPLE
To a great extent	36%	10%	23%	08%	36%	10%	19%
To some extent	31%	26%	28%	22%	34%	29%	29%
To a small extent	23%	31%	25%	26%	20%	33%	28%
Not at all	10%	33%	24%	44%	10%	28%	24%
Total	100%	100%	100%	100%	100%	100%	100%

*DG (DESIGNATED GROUP)

#NDG (NON-DESIGNATED GROUP)

HBI (HISTORICALLY BLACK INSTITUTIONS)

HWI (HISTORICALLY WHITE INSTITUTIONS)

The Chi-Square Test results reveal a significant difference ($\chi^2 = 13,101$, $df = 2$; $p < 0,05$) between the responses of the designated and non-designated groups in the total sample as well as between the response of both groups at HBIs and HWIs. ($\chi^2 = 35,683$; $df = 12$; $p < 0,05$) with regard to whether negative attitudes and stereotyping of members of the designated groups constitute a barrier to Employment Equity. The data in Table 23 reveal that the majority (29%) of the total sample identified the above as a barrier to achieving Employment Equity. The majority (36%) of the designated group at HWIs maintain that this factor is seen as a barrier to Employment Equity to a great extent and to some extent by 31% while only 10% of the non-designated group saw this as a barrier to a great extent and 29% to some extent. Further, the majority (33%) of the non-designated group did not perceive this as a barrier at all.

At HBIs the majority (28%) of the designated group perceive this as a barrier to some extent while the majority (44%) of the non-designated group indicated that it is not at all the case. At HWIs the majority (36%) of the designated group found this to be a barrier to Employment Equity while 33% of the non-designated group saw it as a barrier to a small extent.

It is evident from the above analysis that the majority in the total sample perceive the negative attitudes and stereotyping of members from the designated group as a barrier to Employment Equity to some extent but the designated group felt it is the case to a great extent. The non-designated group maintain that it is not the case at all.

The perception of the designated group supports the findings and theories of several researchers cited in the literature review that such stereotyping and negative attitudes influence Affirmative Action/Employment Equity efforts at institutions of Higher Education. This awareness is also supported by the findings of a research conducted at UCT (2000 : 3 - 4), UWC (Howell *et al.*, 2000 : 61 - 62) and Potts (2000 : 92 - 93). At UWC it was found that negative attitudes and intolerance towards the accommodation of diversity and race were barriers to Employment Equity.

In personal interviews with respondents the aforementioned findings also emerged. Overall there is a general feeling among the designated group that there is a degree of insensitivity to race issues. What is significantly apparent is that informal power networks which are structured along racial lines existed at institutions. The views and positions adopted in the network impact directly on decisions made in formal structures at the institutions.

Question 15, an open-ended question in the questionnaire, required respondents to list any further barriers to Employment Equity. Together

with information gained from personal interviews the following are the findings.

6.8.8.10 Insufficient Pool of Academics

A large number of respondents indicated that the small pool of underrepresented suitable staff from the designated group, such as African men and more especially African women was a major barrier to achieving Employment Equity. It emerged also from the responses that this was especially so in academic fields and at levels of qualification and rank in which the designated group are underrepresented such as science and technology.

The poor educational background of the majority of those from the designated group more especially in the abovementioned fields, has unfortunately left them at an extreme disadvantage related to White academics regarding formal qualifications and skills. Further, Black women were disadvantaged by the patriarchal and sexist structures associated with their individual cultures (Mjoli, 1990 : 19 - 20) which result in fewer women advancing in their field or applying for high-level positions. These were some of the major barriers to their advancement to Employment Equity.

6.8.8.11 Poaching

Another barrier to Employment Equity can be attributed to poaching of qualified academics from the designated group. Because of the paucity of available academically qualified persons from the designated group Blacks with qualifications particularly African men and women are highly sought after by other Higher Education institutions, government and the private sector. Prized and promising candidates are lured from one position to the other by monetary and other rewards.

While poaching is a phenomenon encountered by most employers, it impacts on Higher Education institutions in a different manner to the private sector. Since Higher Education institutions have fiscal and other constraints they are unable to offer packages that are competitive to the private sector. Therefore, it is difficult to attract and retain quality staff from the designated group. Another problem that emerged from the responses is that promising academics who were trained by Historically Disadvantaged Institutions are often singled out and approached by Historically Advantaged Institutions with offers of better salary packages, better identity and image, due to their privileged positions.

What is of greater concern to the future of Employment Equity is that this pool of suitable staff, according to Subotsky (2001 : 37 - 38), is unlikely to increase from within the Higher Education system itself; he maintains that the outflow of appropriately qualified graduates in underrepresented fields is inadequate to meet the demand in Higher Education. Without improved schooling, particularly in mathematics and science, the long term prospects for improved outflow remain limited.

6.8.8.12 Lack of Vacancies

A further barrier to Employment Equity highlighted by respondents is the lack of vacant posts at institutions of Higher Education due to rationalization, right sizing and financial constraints. In this regard Subotsky (2001 : 38) draws attention to the fact that a relatively large percentage of senior staff in Higher Education are in middle management and have about ten or more years to officially retire and only then will there be vacancies at senior levels.

Hence, the possibility of new vacancies arising through natural attrition would take time. The academic job market is also likely to shrink steadily

in the short term because of the recent decline in student numbers.

6.8.8.13 Equity vs Excellence

Many respondents claimed that the tension between Equity and excellence is also a barrier to Employment Equity. It is argued that despite the existence of Affirmative Action/Employment Equity policies, it is not being implemented consistently because of the interests of academic excellence over and above Equity.

6.8.8.14 Funding and Rationalization

Many respondents especially managers claimed that the lack of funds for the promotion, training and implementing Employment Equity programmes is a major barrier to its success. The declining government funding available to most institutions of Higher Education results in an additional constraint which is generally not experienced by the competing private sector.

6.8.8.15 The Inefficiency of Human Resources Managers

Many claimed that the inadequacy of Human Resource managers is also a barrier to Affirmative Action and the progress of Employment Equity. Others maintained that some of these managers are too pre-occupied with the day-to-day running of the institution and, therefore, do not focus adequately on Affirmative Action/Employment Equity. This finding is also supported by Cloete *et al.* (2000 : 10).

6.8.8.16 'Job Hopping'

Many respondents maintain that the institutions of Higher Education spend a great deal of time and money on developing potential Affirmative

Action/Employment Equity candidates. When they qualify or have the necessary experience, they leave the institutions for more lucrative positions elsewhere. This 'job hopping', they claim, is another barrier to achieving Employment Equity.

6.9 CONCLUSION

The findings elicited from this quantitative and qualitative study of attitudes and perceptions of practice and procedures related to Affirmative Action/Employment Equity in Higher Education institutions provide provocative and interesting indicators for Affirmative Action/Employment Equity implementation in both the immediate and near future. Whilst the findings in this study alone cannot address the complexity of Affirmative Action/Employment Equity implementation the data identify specific areas that can be remedied in order to achieve the objectives set out in the Employment Equity Act, the Higher Education Act and the White Paper on Higher Education.

This empirical exercise helped to identify and isolate the chief areas which could serve as points of departure for further planning, research and investigation. A summary of the conclusions and recommendations will be presented in the next chapter.

CHAPTER 7

CONCLUSIONS AND RECOMMENDATIONS

7.1 CONCLUSIONS

The present study notes that with the demise of apartheid and the implementation of Employment Equity (EE) and Affirmative Action (AA) legislation since 1994, for the first time, formal, legislated equality for people of different races and gender in the Higher Education workplace in South Africa is operational. In 1997, a White Paper entitled 'A Programme for the Transformation of Higher Education' was published and the Higher Education Act No. 101 of 1997 was passed by Parliament framing, *inter alia*, how Employment Equity is to be addressed in Higher Education. Following the recommendations of the White Paper, Higher Education institutions were required, as part of their three-year rolling plans, to submit human resource development plans and Equity goals to the Department of Education and Department of Labour. A perusal of the three-year rolling plans of Higher Education institutions indicated that whilst Higher Education institutions have been somewhat successful in meeting their Equity targets in respect of student profiles, the progress in respect of staff Equity targets, especially academic staff Equity targets, have been disappointingly slow. The findings in the present study and those of Cloete and Bunting (2000 : 85) lend support to this notion. They maintain that one of the most serious threats facing Higher Education in South Africa is not funding or a shortage of students but the failure to retain high quality staff, and changing the racial and gender profile of the staff complement.

An important observation made in the present study is that, despite the efforts in implementing various Affirmative Action/Employment Equity policies at some institutions, very little impact is evident in respect of changes in the demographic distribution of staff in those institutions. In addition, the implementation of Affirmative Action/Employment Equity policy appears to be rather haphazard and fragmented and calls for some urgent measures to ensure an effective standardized procedure for the implementation of Affirmative Action/Employment Equity. This conclusion is supported

by the fact that, whilst the three year rolling plans of all the Higher Education institutions show commitment to achieving Equity in respect of staff demography, the data obtained from institutions, qualitative interviews and the findings of Subotsky (2001 : 37) provide evidence that indicates little change in the demographic distribution of staff at Higher Education institutions over a three year period. Paradoxically, this was found to be the case in those institutions that claim to have an established and well-resourced equal opportunity office. The findings of this study have exposed Higher Education institutions as lagging behind government and business in the racial composition of their staff, in their approaches to staff retention and staff recruitment strategies and, generally, in implementing Affirmative Action/Employment Equity policy in terms of the requirements of the Employment Equity Act, No. 55 of 1998. This suggests that the various structural, institutional and practice-embedded impediments still exist in Higher Education.

The major challenges arising from the findings of this study are to improve the manner in which Affirmative Action/Employment Equity policies are implemented in Higher Education institutions, and for the Higher Education sector as a whole, as well as to publicise and market the appeal and intrinsic rewards of academic life in order to attract and retain quality staff. Meeting this challenge will also involve developing a range of new, proactive and innovative methods of ensuring the successful implementation of Affirmative Action/Employment Equity policy with its recruitment and retention strategies. The debate about what counts for transformation has been a heated one since the early 1990s and has gained momentum in the last two years with the publication of the proposals for restructuring of Higher Education and the Employment Equity Act.

The Education White Paper of 1997 sets out a detailed strategy and provides a number of specific goals and performance measures for Higher Education as a system and more especially, for Higher Education institutions. What is sought in the idea of Affirmative Action/Employment Equity is essentially the revision of standards and practices to ensure that institutions are in fact drawing from the largest marketplace of

human resources in their staffing. It also focuses on a critical review of appointment and advancement criteria to ensure that they do not inadvertently foreclose consideration of the best-qualified persons by untested presuppositions, which operate to exclude women and persons from the designated group. Since the publication of the Education White Paper in 1997, the commitment of Higher Education institutions to Affirmative Action/Employment Equity in Higher Education has remained strong in theory, but not in practice which was also one of the conclusions of this study. The findings in the present study draw the following general and specific conclusions in support of the aforementioned.

A fundamental concept entrenched in the Employment Equity Act No. 55 of 1998 is the notion of the 'designated group' who are the intended beneficiaries of the Affirmative Action/Employment Equity policy. The conclusions drawn from the findings in respect of who should comprise the 'designated group' reflects a rejection of the concept of 'designated group' by the majority of the members of the non-designated group. The findings serve as proof that the majority of the academics were not *au fait* with both the contents of the Act and how the 'designated group' was defined therein. The majority of the total sample also ignored, largely two categories of the designated group, namely, women and the disabled, which suggests further that academics had not adequately comprehended the contents of the Employment Equity Act No. 55 of 1998 as it relates to the Higher Education sector. The assumption emanating from the above conclusion implies that members of the 'non-designated group' do not subscribe to preferential treatment being afforded to the previously disadvantaged. An underlying assumption arising from this finding is an overt denial by the non-designated group of the history of discrimination that was experienced by the designated group. A further conclusion in this regard is that consideration must be granted to the minorities (Indians/Coloureds) within the designated group in Affirmative Action/Employment Equity programmes, given their experiences with discrimination in the past.

An interesting conclusion that followed from the above is that there was also no clear

understanding of what Affirmative Action really meant. Affirmative Action appeared to be misconstrued by the majority of the non-designated group as being a form of reverse discrimination. Hence, the concept of 'designated group' has been rejected by them. Further, supporting the conclusion above and the findings of other studies conducted by, *inter alia*, Innes (1993(a) : 15), Human (1991 : 16), Ramphele (1994 : 12), the findings in the present study revealed an acceptance of the notion of Affirmative Action being a form of tokenism. However, both the designated and non-designated groups rejected the concept of entitlement as being a form of Affirmative Action. The above reinforces the conclusion that academic staff has a limited knowledge and understanding of the concept Affirmative Action. These conclusions call for deeper probing in more in-depth studies.

The researcher's call for further in-depth study into the extent of understanding of concepts that are enshrined in Affirmative Action/Employment Equity is not unwarranted. The findings in the study amplify the conclusion that both managers as well as academics are clearly unaware of the crucial difference between Equity and equality of opportunity, a central tenet of Affirmative Action/Employment Equity. The researcher concludes further that these misconceptions or misunderstandings of core concepts can and, perhaps, already have had a negative impact on the implementation of the Affirmative Action/Employment Equity policy in the institutions under study. The slow progress of Affirmative Action/Employment Equity in meeting the targets set in the three year rolling plans may be attributed to this very phenomenon. The researcher is of the opinion that these misconceptions may also serve as barriers to the successful implementation of Affirmative Action/Employment Equity policies in the institutions of Higher Education in KwaZulu-Natal. The conclusion that misconceptions and misunderstanding of concepts related to Affirmative Action/Employment Equity impacts negatively on its successful implementation, is given overwhelming support by several researchers, namely, Nel and van Staden (1988 : 19), Fleming et al. (1978 : 4), Human (1991 : 15) and Naidoo *et al.* (2001 : 42) who drew similar conclusions in their respective studies.

Apartheid legislation clearly subscribed to degrees of preferential treatment for Whites, Indians/Coloureds and Africans, in that order, which resulted in different degrees of disadvantage amongst the race groups. Overwhelming support by the sample, for the consideration of this phenomenon when applying Affirmative Action/Employment Equity policy supports the researcher's conclusion that degrees of disadvantage is an essential element in the successful implementation of Affirmative Action/Employment Equity policies. The researcher contends further that Black women experienced a double disadvantage in terms of race and gender and that minority groups, namely, Indians and Coloureds experienced specific disadvantages in respect of their demographic distribution across the country. These issues, therefore, require special consideration when applying Affirmative Action/Employment Equity policies.

The findings with regard to academic merit and Affirmative Action/Employment Equity efforts provide reason to conclude that: Affirmative Action/Employment Equity in Higher Education institutions is perceived to be poorly implemented. This may be attributed to the fact that institutions do not provide clear definitions of this concept and, further, it is often used in isolation of other conditions that are given consideration. Both the legislation as well as the findings in this study highlight the importance of academic merit being considered in conjunction with the 'potential to succeed.' These two issues must be prioritised when applying the principles of Affirmative Action/Employment Equity especially in the present transforming climate of Higher Education. The conclusions emerging from the findings caution that failure to link merit with potential to succeed may result in failure of Affirmative Action/Employment Equity programmes in the Higher Education sector.

Interestingly, the general conclusion drawn from this study emphasises that there appears to be strong rejection by both the majority of academic staff and management, to the suggestion of employing quotas to achieve Equity. However, qualitative data obtained in this study do, however, emphasise the obligation of institutions to provide effective internal means to speed up redress and end discriminatory practices and

policies. Once again, failure to consider these mechanisms of redress may result in staff (faculty) members resorting to legal recourse through the Commission for Conciliation, Mediation and Arbitration (CCMA) or the courts. Data obtained from interviews with Equity Officers and Human Resources (HR) managers make the point that it is precisely these legal actions of staff that contribute to a negative impact on the institutional climate and ultimately productivity of the academic workforce. It also creates a poor image of the value of Affirmative Action/Employment Equity. The research cited gives credence to the conclusion that applying quotas may negatively influence institutional planning, achieving institutional Equity targets and ultimately institutional autonomy. The need for further in-depth research in this area of study cannot be overemphasised.

The conclusions drawn in respect of knowledge about and dissemination of information pertaining to Affirmative Action/Employment Equity policies provide a profound explanation for why the academic staff perceive implementation of Affirmative Action/Employment Equity to be poor at their respective institutions. The conclusions made from the findings support other researchers' conclusions that, the lack of a clear understanding of Affirmative Action/Employment Equity policies and the absence of a proactive fully consulted upon Affirmative Action/Employment Equity policy in practice, may be exacerbated by the failure of institutions to make visible the presence, authority and importance of the Affirmative Action/Employment Equity Officer. The conclusion drawn from this study is that these factors most definitely influenced the perceptions of academic staff towards Affirmative Action/Employment Equity and the implementation thereof. This conclusion is supported by findings in the study that reflect that academic staff display an overt dissatisfaction with the way the institution implements, promotes and disseminates information about Affirmative Action/Employment Equity. A vital conclusion emerging from this finding is that there is an overall perception of academic staff that the implementation of Affirmative Action/Employment Equity policies is largely unsuccessful. The researcher is of the opinion that these negative perceptions about Affirmative Action/Employment Equity in institutions of Higher Education prevail because of poor information dissemination

techniques utilized by institutions of Higher Education and the failure of institutions to promote the Affirmative Action/Employment Equity office. There is clearly a reliance on traditional modes of information dissemination, namely, memoranda, newsletter, Intranet, etc., to deal with a highly emotive and sensitive issue. The researcher concludes that the effectiveness of the methods and techniques of information dissemination about Affirmative Action/Employment Equity will determine the effectiveness of both the understanding of Affirmative Action/Employment Equity and its implementation.

Another vital conclusion emerging from this study relates to the extent of provisions made by Higher Education institutions to promote the success of Affirmative Action/Employment Equity policy and practice. While the management and staff of the institutions in the present study indicated their support in principle for Affirmative Action/Employment Equity policy and procedures, their failure to give priority to specific provisions to enable and influence the successful implementation of Affirmative Action/Employment Equity policy and practice appear to have contributed to the prevailing negative perception about Affirmative Action/Employment Equity.

This perception may have contributed to the resultant lack of commitment to its effective implementation. This conclusion is supported by the finding that the majority of the sample indicated that they were either unsure or did not know of provisions made in respect of staff development and mentoring. They were also unsure or were unaware of the provision of a written and communicated plan and procedures for monitoring and evaluating progress of the plan.

This conclusion is given further support by the finding that despite the majority of staff being aware that a dedicated Affirmative Action/Employment Equity officer was appointed, they raised the concern that no provision was made for equity surveys to be conducted to assess Affirmative Action/Employment Equity implementation or for the dissemination of progress reports in regard to Affirmative Action/Employment Equity.

Absence of visible and clearly enunciated provisions for Affirmative Action/Employment Equity, supported by carefully formulated grievance procedures, exacerbated the poor perception of Affirmative Action/Employment Equity in the Higher Education institutions studied. The general conclusion made is that unless specific provisions and monitoring mechanisms are institutionalised in Higher Education institutions, Affirmative Action/Employment Equity policies and practices will not be given support by its staff.

The researcher concludes that in addition to the absence of specific provisions contributing to the failure of Affirmative Action/Employment Equity policy and practice, the manner in which Affirmative Action/Employment Equity policy implementation is practised and conducted will determine support or lack thereof for Affirmative Action/Employment Equity programmes. The conclusions arrived at in the present study were that the internal and external communication strategies emphasised a politically correct picture rather than commitment to Affirmative Action/Employment Equity policy and practice.

It was clearly evident from this study that there was a lack of adequate, active, visible and vocal support from top management. Contrary to this was the conclusion that Affirmative Action/Employment Equity policy must be driven by the top management for it to be effective. This is also supported by various other studies conducted in Zimbabwe, the USA, Canada and Australia. This particular conclusion is important in our present transforming Higher Education environment, not only, because it will enhance the values of the collegiality of diversity, but moreover because there are still pockets of resistance and small groups of individuals who perceive that there is resentment by the non-designated and groupings within the designated group towards beneficiaries of Affirmative Action/Employment Equity. The conclusion suggests that promotion of the Affirmative Action/Employment Equity policy of an institution from a management level will do much to encourage 'buy in' of Affirmative Action/Employment Equity and dispel the current assumption that Affirmative Action/Employment Equity efforts lower appointment and promotion standards at Higher Education institutions.

This conclusion also lends itself to further probing and future research in especially the area of strategies for change management.

An important conclusion drawn from the findings is that, an incremental and consultative approach/strategy to policy implementation must be carefully constructed to achieve the aims of fast tracking Affirmative Action/Employment Equity initiatives and the appointment of Black women. The conclusion that emerges from the analysis is that the manner in which these processes are handled is cause for concern. If conducted properly it will determine the 'buy in' and support for Affirmative Action/Employment Equity initiatives by the diverse stakeholder groupings within Higher Education institutions.

Another conclusion of the study is that there are specific barriers to implementing Affirmative Action/Employment Equity policies in South African Higher Education institutions. Some are considered more influential than others. The barriers considered most influential in preventing the successful implementation of Affirmative Action/Employment Equity initiatives are, institutional culture and climate, failure to build capacities of AA beneficiaries, poor management of Affirmative Action/Employment Equity programmes by HR Manager/Equity Officer, institutions' failure to support Affirmative Action/Employment Equity beneficiaries and the institutions' inability to manage diversity.

The overall conclusion that emerges from this study is that insufficient progress has been noted in removing the vestiges of discrimination and achieving Equity in staff profile. Although some academic staff have vigorously supported the principles of Affirmative Action/Employment Equity they have often abrogated their traditional role in contributing to institutional policy formulation and implementation by waiting for administrators to assume the major responsibility in Affirmative Action/Employment



Equity initiatives. This has certainly contributed to slowing the pace of achieving Equity in the Higher Education staff demography.

In view of these conclusions, now is an appropriate time for institutions of Higher Education to not only reaffirm their stand in support of Affirmative Action/Employment Equity but also to suggest ways that Affirmative Action/Employment Equity might be implemented in such a fashion so as to be both effective and consonant with the legislation. Although Affirmative Action/Employment Equity involves the identification of groups, such identification need not and should not imply a remedy which sacrifices individual rights to purported group entitlements. Eliminating unfair discrimination and recruiting persons from the designated group is not sufficient by itself. In order to avoid what many respondents refer to as tokenism and retain well-qualified staff who are performing efficiently in their jobs, efforts need to be made to ensure that persons from the designated group are gaining the capacity required to compete and complete the jobs they are appointed into.

7.2 RECOMMENDATIONS

It will be recalled, that the general objective of this study was to ascertain the perceptions and attitudes of academics towards the implementation of Affirmative Action/Employment Equity at their respective institutions. Having drawn the abovementioned conclusions the researcher makes the recommendations listed below, in response to the principles enshrined in the Higher Education Act, The White Paper entitled 'A programme for Transformation of Higher Education', The National Plan for Higher Education, The Employment Equity Act No. 55 of 1998 and more specifically the conclusions drawn from the present study.

Given that the findings and conclusions of this study allude to substantive and process issues, the researcher will make recommendations for the substantive issues within the

process. The researcher wishes to point out at this juncture that the sequence with which institutions implement the substantive issues within the process steps will be dependent upon the circumstances of the individual institutions. It must also be noted that process issues and substantive issues intersect at different points, depending on how these issues surface at the different institutions but, for the purpose of this study, the researcher will discuss the substantive recommendations as part of the process recommendations, followed by other recommendations for the successful implementation of Affirmative Action/Employment Equity.

7.2.1 RECOMMENDATIONS FOR THE SUCCESSFUL IMPLEMENTATION OF AFFIRMATIVE ACTION/EMPLOYMENT EQUITY

The conclusions highlight the necessity for an efficient and much improved procedure for the successful implementation of Affirmative Action/Employment Equity. It also draws attention to the fact that Affirmative Action/Employment Equity planning is not an event but a process. Hence, the recommendation that institutions must implement Affirmative Action/Employment Equity in three phases, namely, the pre-implementation phase, the implementation phase and the post-implementation phase. This recommendation is based on the conclusions that the current approach to Affirmative Action/Employment Equity programmes has been fragmented and often piecemeal focusing mainly on satisfying legislative requirements.

The researcher proposes that the pre-implementation phase focus on the planning for implementation and the development of a business case. Such planning should include a series of specific interventions, *inter alia*, identifying the substantive issues that are involved in the implementation of Affirmative Action/Employment Equity, reviewing the institution's current policies, its status in respect of its staff demography, etc. The implementation phase will involve specifically, the unfolding of the business case and the post-implementation phase will involve monitoring, evaluation and

refinement of the plan for future implementation. The researcher recommends that the facilitation of this entire process be driven and led from 'the top', and implemented by a dedicated Affirmative Action/Employment Equity team led by a powerful committed Affirmative Action/Employment Equity Officer or Human Resources Manager. Specific recommendations for each of the phases follow.

7.2.1.1 RECOMMENDATIONS FOR THE PRE-IMPLEMENTATION PHASE

7.2.1.1.1 Identifying the Substantive Issues

The most important exercise that any institution will benefit from, prior to embarking on an implementation programme for Affirmative Action/Employment Equity, will be to identify upfront some of the critical substantive issues that are necessary for planning for successful Affirmative Action/Employment Equity implementation. Identifying these issues early in the process will allow for preparation to deal with the issues as they present or manifest themselves in the course of Affirmative Action/Employment Equity implementation. This recommendation is the outcome of both the conclusions drawn in this study and the recommendations made by researchers cited in this study. Deciding what substantive issues need to be resolved before, during and after the process of implementing Affirmative Action/Employment Equity plans which will provide the vital information necessary for the preparation and development of a business case for Affirmative Action/Employment Equity are critical. The more important substantive issues that must be considered are indicated in Table 24 below :

TABLE 24 : CHECKLIST OF SUBSTANTIVE ISSUES

SUBSTANTIVE ISSUES	WHAT IT ENTAILS
The vision for a transformed institution	What are the institution's Affirmative Action/Employment Equity objectives and what does it hope to achieve?
Procedures for implementation of Affirmative Action/Employment Equity	What procedures and criteria will be used to implement and define specific concepts

policy	pertaining to Affirmative Action/Employment Equity, e.g., potential to succeed, etc.?
Timeframes	What timeframes are envisaged for the attainment of specific Affirmative Action/Employment Equity goals?
Structures for Affirmative Action/Employment Equity implementation	What structures are required to address Affirmative Action/ Employment Equity implementation?
Human Resources issues	How will this structure be established in terms of staff and who will drive the process?
Finance and budget	How will the exercise be financed? What budget will it come from and over what period will this funding be available?
Policies and procedures	What policies and procedures will apply to ensure a successful Affirmative Action/Employment Equity plan, e.g., recruitment and merit policies, etc.?
Communicating, monitoring and evaluating the Affirmative Action/Employment Equity plan	What communication strategies will be employed to disseminate information? Who and how will the plan be monitored and evaluated?

In the discussion that follows, the above substantive issues are dealt with both directly and indirectly. Accordingly, recommendations are made in respect of how to deal with the issues in order to achieve success in Affirmative Action/Employment Equity. This step also provides an 'early checklist' against which Higher Education institutions can benchmark their strategy as they embark on Affirmative Action/Employment Equity implementation. Recognizing these issues early in the implementation process will give direction and prevent the unnecessary inefficiencies that currently characterize Affirmative Action/Employment Equity implementation in Higher Education institutions. This first step will, in addition to highlighting issues that need to be clarified early in the process, also assist in identifying issues that need to be considered in each of the phases.

7.2.1.1.2 Sensitising and Awareness-raising Workshops to Explode Myths, Misconceptions and Misunderstandings about Affirmative Action/Employment Equity

The most profound general conclusion made in this study is the lack of understanding of the concept Affirmative Action/Employment Equity and the principles underlying it, resulting in negative perceptions towards its implementation. Sensitising and awareness raising workshops and seminars for all stakeholders at all stages of the process must be conducted. As an initial pre-implementation exercise, such workshops and seminars must be arranged for the prime purpose of involving all stakeholders to begin to understand the principles underlying Affirmative Action/Employment Equity policies and practices of the institution as a prerequisite to the successful implementation of the Affirmative Action/ Employment Equity policy. Such workshops should focus specifically on change management and change enabling, removing stereotypes and the resentment that lay dormant amongst the various groups as was indicated in the findings. Unless and until these issues are given careful consideration, Affirmative Action/Employment Equity efforts will continue to be fragmented, resulting in the changes that do occur remaining cosmetic.

All too often such workshops are arranged to meet legislative requirements rather than a response to embracing the spirit of Employment Equity Act. Workshops should aim to inculcate a spirit enshrined in the Employment Equity Act to ensure greater awareness and, hence, success for Affirmative Action/Employment Equity. It is, therefore, a foregone conclusion that such workshops must be carefully planned and monitored, to ensure success in achieving its aims. It is vitally important that all stakeholder leaders are represented at these workshops and that monitoring strategies are put into operation to ensure that the information from the workshops is cascaded to the institutional community. The researcher supports the recommendation of several researchers that incentives for workshop attendance and dissemination of knowledge

must be given serious consideration. Incentives can take the form of CPD (Continuous Professional Development) points or internal certification for staff attending these workshops. This strategy will have two outcomes, namely, a sensitised and informed staff and would provide one of the criteria for measuring, e.g., the 'potential to succeed' for promotion purpose. These ongoing sensitising workshops with all the stakeholders in the institution must be designed to:

- Identify and explain the need for Affirmative Action/Employment Equity intervention in South African institutions of Higher Education.
- Create opportunities for dialogue about the implications of Affirmative Action/Employment Equity for individuals within departments and as well as within the institution as a whole.
- Define Affirmative Action/Employment Equity and its relation to the principle of Equity, and clarify its impact and relevance to individuals and the institution.
- Bring about change in attitudes, stereotypes and misconceptions.
- Engage in role-reversal exercises where staff from the non-designated group trade positions with those from the designated related to Affirmative Action/Employment Equity to be able to appreciate each other's perspectives and concern.
- Identify and remove those practices of the past that still exist and have exclusionary impacts on women and members of the designated group.
- Identify the Affirmative Action/Employment Equity targets for the respective institution.
- Consider timeframes by which the targets will be achieved.
- Identify structures that will be necessary to evaluate and monitor Affirmative Action/Employment Equity.
- Identify staff perceptions about Affirmative Action/Employment Equity implementation.
- Examine and review existing policy in line with national Affirmative

Action/Employment Equity imperatives.

Ideally, an independent facilitator should conduct such workshops to avoid any chance of bias and/or perceived victimization. These workshops will in addition determine what the institutional objectives are and what it hopes to achieve ('vision') and will prepare the institution for dealing with other essential substantive issues required to achieve successful Affirmative Action/Employment Equity implementation.

7.2.1.1.3 The Development of a Guideline Document/manual for the Implementation of Affirmative Action/Employment Equity Plans

The need for a guideline document to assist Higher Education institutions in developing, preparing, implementing and monitoring their respective Affirmative Action/Employment Equity plans, cannot be overemphasised. The necessity for such a document is captured in the conclusions of this study which highlights the present confusion, misunderstanding and misconceptions about Affirmative Action/Employment Equity. The recommendations of process and substantive steps in this study will form the basis for the development of a detailed protocol document to ensure a successful implementation of Affirmative Action/Employment Equity programmes. Presently, Higher Education institutions are often engaged in meeting the legislative requirements at the expense of a process driven, stakeholder accepted Affirmative Action/Employment Equity programme. Such a guideline document must include exemplars of best practice processes in Affirmative Action/Employment Equity implementation and must suggest techniques to identify the substantive issues that must be considered for the standardized and efficient implementation of Affirmative Action/Employment Equity policies in the respective institutions. The guideline must provide detailed information to assist Higher Education institutions in the :

7.2.1.1.3.1 Design and Development of Affirmative Action/Employment Equity Plan

Developing optimal action plans will enable Higher Education institutions develop a business case for Affirmative Action/Employment Equity and thereby translate their respective visions (state of being) to operational plans (state of doing). Consonant with principles of sound academic governance the staff (faculty), from the lowest to the highest level, should play a major role in formulating an institution's Affirmative Action/Employment Equity plan. The extent, to which persons from the lowest level upwards participate in the development and ratification of a plan, will influence the acceptability of the plan. The content of Affirmative Action/Employment Equity plans should be sensitive to classifications of staff and its requirements for academic expertise. Attention must be paid to institutional policies, governing contracts, promotion, fringe benefits, salary and any other area of professional life where vestiges of bias may persist.

The most difficult aspect of Affirmative Action/Employment Equity plan development is the formulation of goals and timetables that not only are realistic, but also will serve as an incentive to maximum effort in providing for Employment Equity. Such goals must not be interpreted as only numerical targets but should also include objectives as well. In order that these goals and objectives are well formulated the SMART design principle (specific, measurable, achievable, responsible and time-bound) must be adopted. Goals must also be scrutinized to ensure that they are not quotas in disguise.

In establishing these goals and objectives, a sense of realism must prevail. Realism requires an honest recognition of diminishing resources, shrinking enrollments, and the limits of the candidate pool available to a specific institution and in specific disciplines or professional fields. It must also be noted that the setting of goals does not necessarily guarantee representation for groups for whom the goals are set but its value lies also in the fact that it serves as a useful monitoring device for the institution,

consistent with the principle of non-discrimination and rights of individuals. Its advantage, therefore, lies in the fact that it is flexible and not mandatory.

In order to expedite the achievement of Employment Equity goals it is recommended that responsibilities be assigned and timetables for completion be established and indicated in the plan. In other words for each goal the action to be taken, the person/s responsible for this action and the timetable must be set down in the Equity plan. Such a procedure should, as has been the case abroad, contribute to success in achieving Employment Equity.

The existence of a formal document which sets forth the institution's commitment to Equity obligations, including goals, timetables, and procedures for the rectification of inequities, should be publicised aggressively within the institution, from the lowest level of staff upwards and externally. A personal public statement by the Vice-Chancellor as driver of the plan would be very effective in gaining support for the programme and thereby reducing resistance to it. Incorporating the plan in faculty, staff and student handbooks, increases knowledge about it, ensures its availability and facilitates its use as a ready reference. In order that this logical formulation step is truly workable, weekly and monthly operational review discipline is imperative. Time tabling this as well into the plan is critical for success.

7.2.1.1.3.2 Review of Recruitment Policies in Planning for Affirmative Action/Employment Equity Implementation

This is a critical step in designing and developing an Affirmative Action/Employment Equity plan for a Higher Education institution. The primary purpose of this exercise is to ascertain that the policies are scrupulously non-discriminatory in principle and in practice, followed by corrective action where needed. A review of recruitment practices, to ensure all qualified candidates applying for positions at Higher Education

institutions are fairly considered, must be included in this process. This review must ensure that stereotyping assumptions are eliminated and adequate internal grievance procedures are in place for those who perceive that they have been the victims of discrimination. All race and gender exclusionary policies should be identified and eliminated or replaced with less exclusionary policies designed to accomplish the same legitimate purpose. The goal is to do away with barriers to the fair consideration of women and other persons from the designated group.

7.2.1.1.3.3 Defining Criteria for Merit and Potential to Succeed

Directly linked to the above recommendation is defining the controversial issue of merit and potential to succeed. Excellence and quality are aspirations of Higher Education, which are espoused by seeking certain attributes and skills in those to be considered for academic positions. We cannot assume uncritically that present criteria of merit and procedures for their application have yielded the excellence intended. The researcher believes that such criteria must be redefined to include both merit and potential to succeed and should not be based purely on academic qualifications as was the case in the past. This reconceptualisation of merit is based on the structural limits to opportunity experienced in the past that had mitigated against and continues to mitigate against those individuals from previously disadvantaged race and gender groups, many of whom do not have the traditionally required high qualifications because of the poor education during the apartheid era. The reconceptualisation or changing of standards under the prevailing circumstances in Higher Education, given its apartheid legacy, should not be confused with lowering of standards.

It is strongly advised that employers at institutions of Higher Education look beyond traditional criteria and reflect on those characteristics that directly impact on job performance. This will enable employers to select members from the previously disadvantaged groups who have the ability and potential to succeed in a particular job.

7.2.1.1.3.4 Improving Equity Planning Processes and Developing Human Resources Practitioners.

In developing implementation plans for Affirmative Action/Employment Equity, Human Resources practitioners need to be made aware of the institutional obstacles and the distinctive institutional challenges that undermine effective Employment Equity planning. The preceding recommendations imply the motivation for this exercise. HR practitioners must :

- pay particular attention to the presence of hierarchical authority in their respective institutions;
- identify the existence of dual academic and administrative occupational structures;
- determine the status of Employment Equity strategies;
- establish the extent of student and staff apathy; and,
- the degree of change and transformation fatigue that exists in their respective institutions.

All of the above information will reveal how organizational culture acts as both a change barrier and/or a change enabler. These practices can either block or enhance optimal Employment Equity planning, implementation and desired outcomes and is therefore, critical information for any Affirmative Action/Employment Equity team to have in order that planning is effective.

In addition to the present research findings suggesting a foundation upon which Higher Education institutions can build a plan for the future, it also offers specific recommendations to develop HR/Employment Equity practitioners with the following critical information planning tasks and related capacities :



- In both planning and executing diversity, HR practitioners including the Equity Officer and Equity team members, need to understand the relationship between quality information and optimal Employment Equity data usage. The former dimension (quality information on staff profiles) relates to how accurate and relevant the information is to Employment Equity planning in the institution.
- The second dimension (data usage) refers to quality in the use of this information, which suggests that institutions in future need to assess how effectively and efficiently the institution accesses and applies the information that it possesses internally to achieve its Employment Equity targets.
- It must be noted that the degree to which an institution achieves both the high quality and high use of its Equity information is the degree to which that institution achieves and maintains its strategic and operational Employment Equity targets and pursuits.

The findings in this study intimate that an institution's decision to formulate Equity goals does not necessarily mean the institution automatically or easily succeeds in knowing how to interpret and manage the perceived dichotomies between Excellence and Equity and the challenges between Equity and efficiency needs. Hence, developing Human Resources practitioners in these dimensions will help prevent the tensions identified earlier and will ensure professionalism in resolving them.

7.2.1.1.3.5 Expansion of Human Resources (HR) Capacity

The extent of success of Affirmative Action/Employment Equity implementation is not only contingent upon HR practitioners skills but also on their complete command of the legislative framework governing HR practice, especially of the Labour Relations Act, Basic Conditions of Employment Act and Employment Equity Act. This implies knowing how to use the legislation both reactively (defensively) in situations of restructuring, merging and incorporation that might result in retrenchments and conflicts with unions, etc., and knowing how to use it proactively to develop progressive policies and



practices that can help pre-empt situations of conflict and costly litigation. Hence, strategic thinking and activity in HR must be an ongoing effort, in addition to traditional operational capacity. In this regard intensive training of the HR/Equity Officer and Equity team is necessary.

The central role that HR/Equity Officer plays in developing, implementing and monitoring Affirmative Action/Employment Equity plans suggests that HR be repositioned within the institutions to give it greater authority and influence in strategic planning and action. Given the finding of this study where the majority of staff indicated that they were either unaware of the appointment of the EE Officer/HR, or did not know of the appointment, it is imperative that such an office be 'visible' to the entire institutional community physically and by means of effective communication. This implies developing internal relationships with key sectors in the administration with academic staff at grass-roots level and external relationships with other institutions to strengthen the position of HR.

Currently, most institutions are governed by a combination of narrowly focused administrators with no strategic vision and/or academics with no managerial training or experience. International experience shows success when administrators of Higher Education institutions are trained on the two legs of academic stature and professional managerial knowledge. In the South African context, this requires a paradigm shift in the way institutions think about filling senior managerial positions. Affirmative Action/Employment Equity responsibilities should be built into the manager's job description and performance contract, as is the case abroad. It is felt that in this way the managers would be better equipped and in a strong enough position both in status and in actual reporting to ensure that the institutional policy development conform to Affirmative Action/Employment Equity principles. A corollary of this is that HR departments need to develop career paths for academic administrators, with appropriate professional training.

7.2.1.1.3.6 Communication Strategies for Employment Equity

The conclusions in the present study and those of numerous studies cited in the review of literature suggest that the residual misunderstanding of Affirmative Action/Employment Equity being confused with tokenism, reverse discrimination and lowering of standards, etc., calls for strategies that will improve and facilitate successful Affirmative Action/Employment Equity programmes. An inclusive stakeholder involvement in and responsibility for bringing about conditions that will be conducive for the achievement of Affirmative Action/Employment Equity is emphasised. Ongoing communication and opportunities to debate Affirmative Action/Employment Equity must be given priority to encourage the break down of misconceptions of Affirmative Action/Employment Equity. This implies that the strategies employed must include and reach every member of staff, must address specifically the perceived gap between policy and practice and ensure that both policy and practice are visible campus wide. Some strategies that may be utilized to achieve 'buy in' are as follows:

- Conducting ongoing equity/climate surveys and obtaining regular trends reports to identify perceptions about Affirmative Action/Employment Equity implementation at the respective institutions. The findings could also be used as a prerequisite for the development of sensitising workshops/seminars, etc. It was abundantly clear that they were conspicuous by their absence at most of the institutions investigated in the present study.
- Publishing the findings of trend reports and the remedial actions taken.
- Trend reports generally provide clues as to the types of communication mechanisms that serve the institution best. Making use of a variety of communication strategies, namely workshops, seminars, publications, online newsletters and chat lines will maintain interest and inevitably yield better results. In each of these cases follow-up is imperative if success is to be achieved.

7.2.1.1.3.7 Developing an Institutional Business Case for Affirmative Action/Employment Equity

The preceding recommendations suggesting a review of policy and practice and data collecting processes, are prerequisites to developing the institution's specific Affirmative Action/Employment Equity business case and rationale for Affirmative Action/Employment Equity. Such a business case must provide all stakeholders with the motivating factors and plan for Affirmative Action/Employment Equity implementation. Managers at all levels, leaders and stakeholders must be *au fait* with business case and should be involved in the process from start to end. Each business case must be customized to meet the particular challenges of the institution and will encourage 'buy in' and create the necessary momentum to 'fast track' the process when the business case is announced. While current legislation exerts some pressure for change, it will not succeed in renewing institutional stakeholder interest and commitment unless the business case for diversity is developed institutionally (from within) to proactively articulate Affirmative Action/Employment Equity as a policy that makes good educational sense for all staff.

While a business case provides an argument for urgency beyond the legal injunctions, it introduces the strategic argument case for case. The institution is thus provided with the opportunity to assess and articulate its past and future roles with genuine intent. It also provides the opportunity to mobilize the institution behind a planned, rational and well-conceptualised strategy, which supports the implementation of the goals. It articulates a plan that builds a climate for diversity as opposed to focusing the Equity project on numerical representations. More importantly, developing a monitoring mechanism to ensure that the business case is cascaded down to the lowest level of staff is a strong recommendation for success of Affirmative Action/Employment Equity programmes.



7.2.1.2 RECOMMENDATIONS FOR THE IMPLEMENTATION PHASE

Implementation of successful Affirmative Action/Employment Equity plans can only commence once the business case for Affirmative Action/Employment Equity has been approved and consulted upon by all the stakeholders and the sensitising process is complete. The present study found that these aspects were neglected in the haste to meet the legislative requirements of the Employment Equity Act. The implementation phase of the process deals mainly with unfolding approved plans and with specific substantive issues required for successful implementation.

7.2.1.2.1 Structure of Human Resources Required for Affirmative Action/Employment Equity Programmes.

A structure, staffed by qualified HR personnel including the Equity Officer, that has been approved by the stakeholders, will command the respect of staff and will ensure successful implementation of Affirmative Action/Employment Equity plans and programmes. It is recommended that the HR or Affirmative Action/Employment Equity Officer :

- have the power to oversee search and appointment procedures for academic and administrative positions and the implementation thereof. For example, the Affirmative Action/Employment Equity officer should have the authority, upon determining that a department's search for candidates has not been adequate, to defer an appointment pending appropriate departmental and administrative review;
- be able to play a role in the normal personnel-action procedures of the institution, including promotion, appointment and salary determinations;
- conduct timely reviews of individual or departmental progress which must be complemented by public disclosure through periodic reports on the overall situation at the institution, and,

- should command respect and be able to motivate and provide a mechanism for academic staff participation from all levels. Support from members of the academic staff and the administration is of the utmost importance in achieving the objectives of Affirmative Action/Employment Equity.

In addition the following support structures to complement the HR structures are recommended :

- An institution-wide Affirmative Action/Employment Equity committee, established by the appropriate institutional governing body whose responsibility should be the promotion of policies established in the institution's Affirmative Action/Employment Equity plan and the periodic review of the plan once adopted. This committee must ensure the integration of the Affirmative Action/Employment Equity plan into the HR decision-making processes. It must also ensure that the implementation of the Affirmative Action/Employment Equity plan is driven by the Vice-Chancellor of the institution. The Vice-Chancellor may delegate tasks that are relevant to the Affirmative Action/Employment Equity Officer and to the Affirmative Action/Employment Equity committee, overseeing responsibilities for the implementation of Affirmative Action/Employment Equity. This delegation of tasks must be communicated to the staff and students to ensure their participation in the process and to ensure legitimacy of the process.
- An Employment Equity Unit, staffed by the Employment Equity Recruitment Manager and the Employment Equity Officer, for the promotion of Employment Equity at institutions and to maintain the standardized processes must be agreed upon. Such an office should ideally be located in the Human Resources Management Department and accountable to the Human Resources Director and the Deputy Vice-Chancellor responsible for Employment Equity. This office will also serve as a repository for Affirmative Action/Employment Equity data and play a significant role in providing data for institutional planning.
- The location of these structures near the 'sources of power' at the institution, are

also important as a show of commitment and for legitimacy of the office.

- It is recommended that a Vice-Chancellor's Equity Network be established and that this network comprise high level leadership and members of Council to reflect leadership commitment and support for Affirmative Action/Employment Equity programmes at the respective institution.
- The establishment of Faculty-wide Employment Equity Committees will also guarantee 'buy in' and promote Employment Equity within it.

7.2.1.2.2 Recruitment: Attracting, Recruiting and Retaining Staff from the Designated Group

Selection committee members need to be better prepared for the professional and effective recruitment and selection of quality staff from diverse candidate pools. Training of all members of the selection committee is a necessity, if institutions are committed to recruiting from the designated groups. The principle that should underlie all recruitment policies is that equality of opportunity is a necessary condition but not a sufficient one under the prevailing circumstances in South African institutions of Higher Education. Therefore, the principle of Equity should be given prominence when recruiting. The Affirmative Action/Employment Equity office must provide updated departmental Affirmative Action/Employment Equity plans to members of selection committees prior to the committee engaging in drafting the advertisement and implementing the selection process. In addition, the Head of the respective Department must be able to provide data about senior students with 'potential to succeed' so as to enable institutions to 'grow their own timber'. This strategy implies that the academic departments will engage in conscious efforts to inculcate a love for academe and an interest in teaching. This is not, however, straightforward, as many other factors such as institutional culture, competition with industry and competition with private Higher Education institutions create other challenges in determining the ability of public Higher Education institutions to retain staff and students from the designated groups.

It is common knowledge that conditions of service at Higher Education institutions are not as attractive as those in industry and the private sector. This competitiveness especially in the highly skilled job market is likely to become more vigorous with the introduction of the Employment Equity Act as public and private sector employers compete with each other to fulfill their Equity targets. Given such a competitive job environment, it is recommended that conditions of service at institutions of Higher Education be improved as part of national policy. In the absence of the aforementioned, the Higher Education sector will need to vigorously publicise and market the appeal for and intrinsic rewards of academe in order to attract quality staff and to retrain them, especially from among their own graduates.

More important than competitive compensation is the building up of a strongly inclusive and supportive institutional culture and the introduction of programmes and practices for the systematic support and development of junior academic staff or new incumbents from the designated group. Exit interview data must be collected to examine more systematically the reasons for staff leaving. This should shed more light on where specifically the institution's efforts need to be channelled and where remedial action is required.

Although the study of Affirmative Action/Employment Equity for the Disabled was regarded beyond the scope of the present study, the conclusion (mentioned earlier), that the Disabled were ignored by the majority in their views about the composition of the designated group, necessitates that recommendations be made for the recruitment of the Disabled lest they be omitted from Affirmative Action/Employment Equity plans.

Provisions must be made for the creation of posts for a Disability Officer within the HR Manager's office to focus on recruitment, placement and follow-up of staff with disabilities. This issue must be given priority in addition to an analysis of the institution's built environment when ascertaining what changes need to be made to promote the capacity to employ people with disabilities. Policy must be developed on

the purchase of equipment that will open up employment opportunities for people with disabilities. The institutions must also embark on initiatives to promote an understanding of the capabilities of people with disabilities in the workplace, the image of capable Disabled employees and the career potential for staff with disabilities.

7.2.1.2.3 Screening of Candidates

Search committees should make every effort to include among the applicants a diversity of candidates. Where feasible, the Affirmative Action/Employment Equity officer should be invited to meet with candidates from the designated group to provide them with information about current staff members who are persons from the designated group or women. Such an effort will serve to promote a supportive climate for candidates from the designated group and promote the principles of equality of opportunity espoused in both the legislation and the AA/EE plans of Higher Education institutions.

7.2.1.2.4 Appointments

Appointments should be made on the basis of individual merit and potential to succeed and not on academic qualifications alone. Careful consideration must be given to the criteria traditionally used for merit to be certain that they serve to further academic excellence. It is especially important to reconsider any facially neutral policies, which have an adverse impact on Affirmative Action/Employment Equity efforts that are disproportionate to their contribution to the determination of merit. The need for an institution to justify a criterion as appropriate rises in direct proportion to its exclusionary effect.

Reports on appointment decisions should include information on the department's search for persons from the designated group and women candidates, interviews held,

and the basis for a final choice. These must be made available for scrutiny.

Awareness of race and gender in the appointment and retention process is a more difficult concept to understand, given the strong patriarchal environment of Higher Education institutions and the overt male dominance in terms of numbers and the consequent masculine culture at such institutions. Affirmative Action/Employment Equity may thus permit the inclusion of sex or race among a number of characteristics assessed in a potential candidate along with his or her publications, area of specialization, academic credentials, etc. Sound academic practice requires that these criteria provide the basis for a complex assessment of relative merit and not merely establish a large pool of minimally qualified candidates, as was the perception in the present study.

It is frequently the case that the selection process produces a group of two or more highly rated candidates who are appointable and are viewed as approximately equivalent. In such circumstances and in the interests of diversity, Affirmative Action/Employment Equity considerations must control the final selection. This type of selectivity is still consistent with the principle of non-discrimination in that, as a matter of staff (faculty) judgement, the decision may be made that more males are needed in a predominantly female department or more Whites at a predominantly Black institution. It is tantamount to equitable rather than identical treatment, which is necessary if Affirmative Action/Employment Equity is to succeed. It should be emphasised, however, that what is permissible or desirable in race or gender sensitive selectivity in the appointment process differs from what may be permissible in subsequent personnel decisions.

7.2.1.2.5 Professional Advancement

Given, the findings of the study, the review and revision of criteria for academic appointment and advancement should be sensitive to the following considerations:

- Criteria for reappointment, promotion or contract must be made clear to the candidate at the time of his or her appointment. They should be reviewed with the appointee on a regular basis afterwards.
- Gender or racial qualifications for reappointment, promotion or the granting of permanent appointments should not be introduced. Although a decision to seek diversity may be a legitimate factor in the appointment process, denial of retention or advancement because of this consideration is inappropriate and often a breach of stated criteria and expectations. While it is understood that needs of institutions change, a redefinition of criteria and/or the imposition of requirements substantially different from those stated at the time of the initial appointment must be carefully examined for their potentially discriminatory impact.
- As in the case of all new appointees, care should be taken not to appoint a woman or person from the designated group to a position for which she or he is marginally qualified and then to provide no opportunity for professional development, such as, e.g., a lighter teaching load to enable access to further study or research opportunities. Without support for professional development of all new appointees from the designated group, there may be the appearance of a viable Affirmative Action/Employment Equity programme without the reality of one.
- Because the number of persons from the designated group at most institutions is small, it is important that a well planned induction, staff development and INSET(in-service education and training) programme as suggested by Bagwandeem(1991 : 545) be made formally available to such persons.

- Institutions are encouraged by the researcher to provide various incentives for the professional development of staff (faculty) members from the designated group. Such incentives must include, post-doctoral opportunities in those fields historically closed to women and persons from designated groups, early leave or sabbaticals, research grants and funds for attendance at professional meetings and conferences. Since women and persons from designated groups have traditionally been excluded in disproportionate numbers from such support, special encouragement may be required to ensure their participation. Once again, the INSET recommendation made by Bagwandeem(1991 : 544) for both new staff as well as 'old' staff from the designated group, will contribute to the successful implementation of Employment Equity.

7.2.1.2.6. Mentoring and Support for Staff from the Designated Group

As the conclusions of this study indicated, there is great need for providing support, nurturing and mentoring staff from the designated groups. At the same time there is also the need to recognize and reward those responsible for such mentoring and support since much of their work occurs in addition to what is often seen as their 'other' or 'actual' work. The mentorship and development of more junior staff particularly those from the designated group needs to be integrated into the workload of mentors and those academics given the responsibility of developing other staff. The position currently, is that those staff responsible for mentoring are so overloaded that they claim with some justification, that they do not have time to develop new staff with inadequate prior experience. The planned development of a formalized mentoring programme will assist in this regard. What is also important is that such mentoring programmes must be timetabled and monitored by some higher authority and should not be done on an *ad hoc* basis. Also award bearing and other incentives must be created to attract those with invaluable experience and particular discipline skills to become mentors. A number of complex and competing planning and developing priorities currently facing institutions of Higher Education fall into the domain of HR, hence, overburdening this department.

Delegating staff development to HR departments alone is not advisable as the findings in the present study found it to be ineffective. What is, therefore, necessary is an integrated, institution-wide Human Resources and staff development strategy.

7.2.1.2.7 Skills Development and Training

Given the conclusion of this study that capacity building programmes are inadequate especially among staff from the designated group, a Workplace Skills plan can, apart from being a cost benefit to institutions, contribute to capacity building of staff at institutions. Bagwandeem(1991 : 535) drew attention to the benefit of what he referred to as INSET (in-service education and training) in his study, prior to the formalization of the Skills Development Act being formalized. This recommendation made by him and supported by the conclusions in this study, will serve to improve the skills of new incumbents from the designated groups. It must be emphasised that whatever measures are undertaken to improve the skills of the previously disadvantaged, must be done so with a sense of commitment and a passion for the success of Affirmative Action/Employment Equity rather than fulfilling the legislative imperatives of the Skills Development Act.

7.2.1.2.8. Responsibility for Implementation of Plan

While ultimate responsibility for Affirmative Action/Employment Equity rests with the Vice-Chancellor for the effective and efficient implementation. The AA/EE Officer, must provide leadership and support for the cause of Affirmative Action/Employment Equity throughout the Higher Education community. He/she must be responsible for the effective organization, implementation and administration of the institution's Affirmative Action/Employment Equity Plan. The AA/EE Officer will represent the institution in compliance with all applicable laws and orders. The Deans, Directors and Heads of Support Departments must be accountable to the Affirmative Action/Employment Equity

Officer for the implementation of their faculty's or department's Employment Equity Plan including the achievement of the numerical goals, objectives or targets contained therein.

The Employment Equity Structures, reporting to the HR Director and the Deputy Vice-Chancellor responsible for Employment Equity, should be held responsible for ongoing monitoring and evaluation of the implementation of the institution's Affirmative Action/Employment Equity Plan. Further, the Affirmative Action/Employment Equity Structures must be required to prepare quarterly progress reports for consideration by the Consultative Forum on Employment Equity and annual reports for consideration by the Council of the institution.

7.2.1.3 RECOMMENDATIONS FOR THE POST-IMPLEMENTATION PHASE

This final phase in the Affirmative Action/Employment Equity process will reveal crucial information necessary for future planning for Higher Education institutions. It will not only provide an evaluation of Affirmative Action/Employment Equity Plan and programmes, but will provide important indicators for future planning. An important recommendation in this phase of the Affirmative Action/Employment Equity process is monitoring of the Affirmative Action/Employment Equity Plan.

7.2.1.3.1 Monitoring the Plan

The considerable work that has been done to give effect to the institution's commitment to Equity needs to be rigorously and systematically assessed at this stage of the process of AA/EE implementation. Apart from this process being good practice, such assessment will provide further insight into progress that has been made, the remaining barriers that need to be addressed and what additional strategies for the promotion of Employment Equity are likely to prove helpful. This process is particularly helpful for institutional planning and budgeting, but more importantly provides indicators of the

institution's successes and failures regarding their respective Affirmative Action/Employment Equity Plan.

The findings in the present study support the view that commitment coupled with action in areas of monitoring, are important for both leaders and staff. Further, both qualitative and quantitative measures that are derived from monitoring exercises are important indicators for leaders to report on and take action. Mechanisms for management monitoring are, therefore, the *sine qua non* in Affirmative Action/Employment Equity policy implementation. The data will also provide suggestions on processes for managing the diversity it has achieved through its Affirmative Action/Employment Equity Plan.

7.2.2 OTHER GENERAL RECOMMENDATIONS

7.2.2.1 Managing Diversity

Only when diversity is seen as a strategic competence and a necessary condition for institutional success, will the issue of numbers shift from compliance to a realization of the necessity to be strategic. This strategic sense will move institutions to understanding how the right mix (race, gender and disability) increases student choice and numbers in its favour, while also ensuring success at recruiting and retaining the right mix of managers and professionals to fit the institutional character.

The success of any Affirmative Action/Employment Equity programme is contingent upon how the achieved diversity is managed. In this regard, the researcher makes the following recommendations with regard to requirements for managing diversity:

- strategic commitment and management monitoring;
- visible support from top management to drive the process;

- strong participative leadership and a business case, which favours a legal and business Equity change;
- all staff must be prepared for their new role and new measures of success where Equity performance targets would be central; and,
- training programmes which are calibrated to the needs of diverse groups are essential.

7.2.2.2 Resources and Organizational Culture

As regards financial resources, institutions need to radically revisit how budgeting is executed. Budgeting needs to be diversity sensitive, but realistic so that it meets the infra-structural needs of the Disabled, training, mentoring and staff advancement programmes. Further, funds for day-care and other related expenditure to heighten attraction of the designated group to the institution must be carefully considered. The findings reveal that institutional culture emerged as a major barrier to Employment Equity. The historically White, eurocentric, male dominated culture that still exists in many HWI's portray the assimilation or 'melting pot' syndrome where the organization remains the same and the minorities are expected to change. The researcher recommends that organization culture will have to change to reflect a diverse culture with revisited beliefs and value systems. Hence, change management and change-enabling programmes must be given urgent attention for Affirmative Action/Employment Equity programmes to be effective and efficient.

7.3 FURTHER RESEARCH ON AFFIRMATIVE ACTION / EMPLOYMENT EQUITY IN HIGHER EDUCATION.

Future research in this area should investigate how faculty is involved in diversity planning, implementation, how they rate the quality of available information and how

effectively they use the data to shape and influence future goals and strategies of implementation.

Additional research should also assess how diversity goals compare in importance to other institutional goals of faculty. Understanding how the teaching staff, as opposed to management staff, view diversity and rate the creation of a diverse institution, is critically important.

The research undertaken indicates that in the perception of some staff, institutional culture and climate are major barriers to Equity. It is unclear to what extent the negative aspects of this culture have changed over time as a result of all the efforts that have been made by institutions in this regard. Indications are, nonetheless, that there are issues, which remain unresolved and these issues are fertile ground for further research and need to be addressed further.

The areas of the recruitment, retention and challenges of women in Higher Education were outside the scope of the present study, but emerged as an area deserving urgent in-depth research. A similar recommendation is made for the investigation of Affirmative Action/Employment Equity implementation for the Disabled.

The present restructuring and mergers of Higher Education institutions are suggested as a means to addressing some of the Equity issues explored in this study. The pre-merger and post-merger environment presents with interesting scenarios for future research in the area of the impact of mergers on Equity, managing diversity and change management issues.



7.4 CONCLUSION

Progress in the appointment and professional advancement of women and persons from the designated group in Higher Education has been exceedingly slow. There are few persons from the designated group and women staff (faculty) members in most academic fields; those there tend to be concentrated in the lower academic ranks and in part-time and temporary positions. Unequal treatment of the underrepresented groups continues. It is clear that discrimination has not been eliminated and more aggressive Affirmative Action/Employment Equity plans are necessary. The researcher urges a greater commitment psychologically, ideologically and materially to the basic principles of Affirmative Action/Employment Equity and to the implementation and monitoring of Affirmative Action/Employment Equity Plans in order to approach Equity and not only equality of opportunity.

Another major challenge is that of improving leadership and management capacity in the new, vastly more complex South African Higher Education environment. The recently published merger proposals, which claim to assist with 'fast tracking' transformation, may in fact exacerbate the already volatile Higher Education environment. However, it is quite clear that institutions do not all face the same capacity needs. Nevertheless, meeting the Affirmative Action/Employment Equity goals set out in the legislation and other national policies require strategic and decisive leadership. This study recognises that leadership capacity will be directly linked to the reshaping of a transformed Higher Education system in the future.



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QUESTIONNAIRE ON AFFIRMATIVE ACTION/EMPLOYMENT EQUITY INCLUDING COVERING LETTER

April 2002

Dear Fellow Academic

RESEARCH QUESTIONNAIRE ON AFFIRMATIVE ACTION (AA) AND EMPLOYMENT EQUITY (EE) IN HIGHER EDUCATION

I am a doctoral student at the University of Pretoria, and I am engaged in a study entitled "**A Study of Affirmative Action and Employment Equity in Higher Education Institutions in Kwa Zulu-Natal**". The issue of Affirmative Action and Employment Equity, especially in Higher Education, continues to be a contentious one and very little research has been conducted in this area in South Africa to identify why this is so.

I humbly appeal to you for your co-operation in this research study. Your responses to the attached questionnaire will be of considerable benefit in addressing the concerns around Affirmative Action and Employment Equity and will contribute towards my making recommendations to the authorities concerned. This will be based on the invaluable data supplied by you that will be collated and analysed in a systematic and scientific manner.

The information that you provide will contribute to my deriving valuable insights into the attitudes towards and perceptions of practice and procedures related to Affirmative Action (AA) as a means of achieving Employment Equity (EE) in Higher Education Institutions. Further, insights into the conditions for achieving EE and the constraints, problems and challenges facing it are expected to emerge as well. Such findings in turn could contribute towards the development of effective programmes, programme management and policies designed to meet the needs and expectations of academic staff and managers in institutions of Higher Education.

Your institution/department has been identified in KwaZulu-Natal to participate in this study. I would appreciate it if you could kindly respond to the enclosed questionnaire, honestly and frankly.

Be assured that your responses will be **STRICTLY CONFIDENTIAL**. Since only **GROUP** results will be reported, reference will not be made to responses by individuals or individual institutions. Your answers will remain **ANONYMOUS**. However, should you wish to speak to me confidentially about the project, feel free to call me at (031) 2091231.



I understand that time is a precious commodity for Academics in Higher Education Institutions. Given the tight time frame I have for the completion of this study I make a humble appeal to you to complete this questionnaire within a week of receipt of the document. PLEASE SEAL ALL COMPLETED QUESTIONNAIRES IN RETURN ENVELOPES PROVIDED AND SEND IT TO THE REGISTRY//INTERNAL MAIL OFFICE AT YOUR INSTITUTION.

I thank you for your assistance and assure you that the results of this study will be made available to you through your library.

P G PADAYACHEE
RESEARCHER

NB :

1. The 5 pages of the questionnaire are printed back to back.
2. If the space is not enough where written answers are required feel free to write on sheets of paper. Attach these and ensure that you write down the correct number of the question.
3. The following abbreviations are used :

AA = Affirmative Action
EE = Employment Equity
4. The 'designated group' are those who were previously disadvantaged during the apartheid regime and who are generally chosen as AA beneficiaries.
5. The purpose of using the former government's racial classification of 'African', 'Indian', 'Coloured' and 'White' is to monitor changes and effectiveness of AA/EE measures rather than to single out or distinguish between the groups for discriminatory purposes.
6. PERMISSION HAS BEEN GRANTED BY YOUR INSTITUTION TO CONDUCT THE SURVEY AMONG THE ACADEMIC STAFF.



**QUESTIONNAIRE ON AFFIRMATIVE ACTION (AA)
AND EMPLOYMENT EQUITY (EE)**

TO BE ANSWERED BY PERMANENT ACADEMIC STAFF ONLY

PLACE A CROSS (X) IN THE APPROPRIATE BOX OF YOUR CHOICE

SECTION A :

1. What position do you hold at the institution?

Dean		HOD		Senior lecturer		Lecturer/Associate lecturer		Other (Specify)	
------	--	-----	--	-----------------	--	-----------------------------	--	-----------------	--

2. Gender

Male		Female	
------	--	--------	--

3. Race

African		Indian		Coloured		White		Other. (Specify)	
---------	--	--------	--	----------	--	-------	--	------------------	--

4 Highest Qualification

Diploma		Degree		Postgraduate degree		Master's degree		PhD		Other. (Specify)	
---------	--	--------	--	---------------------	--	-----------------	--	-----	--	------------------	--

5. In your opinion which race/s and/or others should comprise the designated group (previously disadvantaged group) in Affirmative Action/Employment Equity programmes for South African institutions of Higher Education?

SECTION B :

6. Place a cross (X) in the appropriate box of your choice.

To what extent do you agree or disagree with each of the following statements.

		Strongly agree	Agree	Disagree	Strongly Disagree	Don't know
6.1	AA and 'reverse discrimination' mean the same thing					
6.2	AA and 'tokenism' mean the same thing					
6.3	AA and 'entitlement' mean the same thing					
6.4	'Equality of opportunity' and 'Equity' mean the same in the context of AA/EE					
6.5	'Degrees of disadvantage' should be taken into account when providing opportunities for the designated group					
6.6	AA/EE efforts should be based on potential to succeed rather than academic merit alone					



6.7	A rigid 'quota' system is the only method of ensuring the appointment of persons from the designated group					
6.8	Goals and timetables are more acceptable methods of ensuring progress in AA/EE efforts					

SECTION C :

7. How well informed are you about the Employment Equity Act (1998)?

Very well		Well		Moderately		Not well		Not at all informed	
-----------	--	------	--	------------	--	----------	--	---------------------	--

7.1 Does your institution have an Affirmative Action (AA)/Employment Equity (EE) policy?

YES		NO		UNSURE	
-----	--	----	--	--------	--

8.

Did your institution disseminate information about its AA/EE policy to the academic staff of your institution?	YES		NO	
--	-----	--	----	--

8.1 If yes, how did your institution go about disseminating such information about the AA/EE policy?

	YES	NO
Workshops		
Memoranda		
Newsletters		
Internet		
Senate/ Faculty		
Other. Specify		

SECTION D :

**9. Place a cross (X) in the appropriate box of your choice
To what extent :**

	To a great extent	To some extent	To a small extent	Not at all
9.1 Are you satisfied with the success of the AA/EE policy?				
9.2 Are you satisfied with the communication about your institution's AA/EE efforts				
9.3 Are you satisfied with the manner in which your institution implements AA/EE				



9.4	Do you believe that AA/EE efforts promote a system of new inequalities at your institution				
-----	--	--	--	--	--

SECTION E :

10. Has your institution made provisions for :

	Yes	No	Unsure
10.1 A coherent staff development/mentoring programme for the designated groups			
10.2 A written and communicated AA/EE plan			
10.3 Appropriate procedure to monitor and evaluate progress of the AA/EE plan			
10.4 Equity surveys amongst staff to determine staff perceptions, level of awareness etc., of AA/EE programmes			
10.5 Dissemination of progress reports on AA/EE efforts at your institution			
10.6 Appropriate grievance procedures related to the AA/EE plan			

11	Does your institution have appointed AA/EE Officer?	YES		NO		UNSURE	
----	---	-----	--	----	--	--------	--

11.1 If NO, who fulfils the task of the AA/EE Officer at your institution?

11.2	Is the AA/EE Officer/Person(s) indicated in Question 11.1 allocated a special office?	YES		NO		UNSURE	
------	---	-----	--	----	--	--------	--

11.3	Is the power and autonomy vested in the AA/EE Officer/Person(s) indicated in Question 11.1 adequate to make important decisions on his/her own?	YES		NO		UNSURE	
------	---	-----	--	----	--	--------	--

11.4	Has the appointment of the AA/EE Officer/Person(s) indicated in Question 11.1 been helpful in achieving AA/EE objectives?	YES		NO		UNSURE	
------	---	-----	--	----	--	--------	--

11.4.1 If YES, explain how?

12. Has the monitoring of AA/EE policies and procedures been successful? Explain your answer.



SECTION F :

- 13. Place a cross (X) in the appropriate box of your choice.
To what extent do you agree or disagree with the following statements?**

	Strongly agree	Agree	Disagree	Strongly Disagree	Don't know
13.1 My institution's internal/ external communication reflects a commitment to AA/EE issues					
13.2 My institution is becoming a more equitable and fair place to work in					
13.3 The AA/EE efforts at my institution are more than an attempt to appear politically correct					
13.4 A diverse workforce at my institution will lead to better student/staff relations					
13.5 AA/EE efforts result in white staff resentment towards the designated group for being preferred over them					
13.6 Top management must drive the AA/EE policy and programme					
13.7 My institution is guilty of "fast tracking" appointments from the designated groups without providing adequate staff development for them					
13.8 In developing the AA/EE programme/ policy consultation was not inclusive of all academic staff from the lowest level upwards					
13.9 AA/EE efforts result in Indian/ Coloured staff resentment towards Africans being preferred over them					
13.10 AA/EE initiatives result in vast numbers of unqualified staff from the designated group being hired					
13.11 Indian/Coloured men are not performing to their optimum because they are frustrated about their perceived limited opportunities					
13.12 White men are not performing to their optimum because they are frustrated about their perceived limited opportunities					
13.13 Black women should be given greater preferential treatment over white women					
13.14 Women are given adequate priority as beneficiaries in the AA/EE programmes					
13.15 AA/EE efforts has forced the lowering of appointment and promotion standards at my institution					



SECTION G :

14. Place a cross (X) in the appropriate box of your choice.

To what extent do you believe that the following serve/d as barriers to achieving EE at your institution?

	To a great extent	To some extent	To a small extent	Not at all
14.1 The institutional culture and climate				
14.2 The identity, reputation and image of the institution				
14.3 My institutions inability to manage staff diversity				
14.4 My institutions failure to build the capacities of AA beneficiaries				
14.5 The 'sink or swim' dilemma of new staff from the designated group				
14.6 The greater work load of women compared to majority of men				
14.7 The lack of advancement possibilities for women particularly in decision-making and leadership positions				
14.8 The traditional masculine culture which provide a poor work environment for women to progress				
14.9 Negative attitudes towards and stereotyping of members from the designated groups				

15. Are there any other further barriers to EE at your institution which you would like to mention? List them.

INTERVIEW SCHEDULE

1. Institution _____ (HBI/HWI)

2. Gender _____

3. Race _____

4. Position and Rank _____

5. What is your understanding of Affirmative Action/Employment Equity and how are the principles of Affirmative Action/Employment Equity implemented at your institution?

6. What structures and policies do you have at your institution for the implementation of Affirmative Action/Employment Equity? Explain in detail.

7. What are the main steps taken by your institution to ensure the successful implementation of Affirmative Action/Employment Equity?

8. What do you consider to be the main obstacles in the implementation of Affirmative Action/Employment Equity plans at your institution?



8. How do you monitor and evaluate the success or failure of Affirmative Action/Employment Equity plans at your institution?

9. What additional support is required by your institution to make your Affirmative Action /Employment Equity plans successful?

10. Are there any additional remarks you wish to make?



APPENDIX 3

NEWSPAPER HEADLINES IN SOUTH AFRICA RELATED TO AFFIRMATIVE ACTION AND EMPLOYMENT EQUITY SINCE 1990

- Emigration considered by a quarter of SA's whites (*Sunday Times*, 6 May 1990)
- Positive discrimination does not improve performance (*Die Burger*, 3 August 1990)
- Natal University 'not lowering its standards' (*The Natal Witness*, 9 August 1990)
- Assembly will thrash out issue of university access (*Weekly Mail*, 26 August 1990)
- Blacks must cultivate self-reliance to develop (*The Cape Times*, 28 August 1990)
- Affirmative Action : One knows too little (*Die Burger*, 6 December 1990)
- This is how affirmative action erodes values (*Die Burger*, 7 December 1990)
- The dangers of affirmative action (*Die Burger*, 22 December 1990)
- Efforts to boost blacks fall down (*Sunday Times*, 26 May 1991)
- Black advancement : firms threatened (*The Natal Witness*, 30 July 1991)
- Whites helped since 1910 (*City Press*, 13 October 1991)
- Lawyers to appoint a quota of black articulated clerks (*Beeld*, 24 December 1991)
- No need to fear Affirmative Action (*The Weekly Mail*, 8-14 1991)
- Blacks must overcome feelings of low esteem (*The Citizen*, 25 May 1992)
- Affirmative action a moderate success (*Rapport*, 2 August 1992)
- Affirmative action starts (Businessmen believe new government will favour promotion for blacks first) (*Sowetan*, 10 August 1992)
- Affirmative action a priority in South Africa (*The Star*, 19 August 1992)
- Top men leave civil service (*Rapport*, 30 August 1992)
- A quota system might be the way of the future SA (*Business Day*, 7 September 1992)
- Public Servants fearful (*Business Day*, 16 September 1992)
- Need determines affirmative action says Org (Minister answers caucus of upset officials) (*Beeld*, 23 October 1992)
- Letter on affirmative action draws strong criticism in Pretoria Council (*Beeld*, 29 October 1992)
- Affirmative action secretly introduced in civil service (officials wonder if the ship is sinking) (*Beeld*, 10 November 1992)
- Affirmative action should play a role in policy on competition (*Beeld*, 15 January 1993)
- Insecure officials want answers today (*Beeld*, 15 January 1993)
- Fight for affirmative action gets underway (*Sowetan*, 25 January 1993)
- Black advancement now a business buzzword (*Sowetan*, 30 January 1993)
- Affirmative action quotas do not solve the basic problem (*Business Day*, 4 April 1993)
- A just answer to past wrongs (Not Tokenism, Affirmative action backed by law is the solution) (*Sowetan*, 3 May 1993)
- Affirmative action part of reconciliation (*Beeld*, 28 July 1993)
- Affirmative action could boomerang (In America it is a blot on your name) (*Rapport*, 8 August 1993)
- Catch-up policy (*Rapport*, 9 January 1994)
- Affirmative action could boomerang expensively (*Sake Rapport*, 13 February 1994)
- Future government may act on affirmative action (*Sunday Times*, 16 May 1993)
- The New Discrimination (*The Sunday Times*, 24 October 1993)
- Affirmative action, pro and con (*The Star*, 25 April 1994)
- Affirmative Action laws 'if necessary' (*The Natal Mercury*, 17 May 1994)
- Scramble for equity (*Sunday Finance*, 29 May 1994)
- Affirmative action coherency stressed (*Business Day*, 22 August 1994)
- Viva Pure Potential! - the answer to AA (*The Star*, 7 February 1995)
- Affirmative Action for Wits academics (*Mail & Guardian*, 9 February 1995)



- Weapon of a new society (Affirmative action must balance the scales and bridge gaps) (*Sowetan*, 23 February 1995)
- Removing barriers should be our aim (*The Natal Witness*, 9 March 1995)
- Lets have affirmative action ... without the discrimination (*Post*, 15-18 March 1995)
- Survival of an african identity (*Mail & Guardian*, 30 March 1995)
- Affirmative Action 'is a loaded term' (*The Natal Witness*, April 4, 1995)
- Affirmative Action aids all (*Business Day*, 7 April 1995)
- Someone today is more equal than others (*Rapport*, 17 December 1995)
- Affirmative Action needs a compromise (*The Natal Mercury*, 23 July 1995)
- De Klerk, Sanlam express alarm over affirmative action (*The Natal Mercury*, 30 July 1995)
- White Backlash (*The Sunday Times*, 31 March 1996)
- Affirmative action high stress factor (*Daily News*, 27 January 1997)
- Affirmative Action loses its ranking (*Sunday Times Business Times*, 7 December 1997)
- Black economic empowerment 'has failed' (*The Mercury Business Report*, 12 March 1999)
- 'Empowerment not just for darkies' (*The Mercury Business Report*, 12 March 1999)
- Danger signs for empowerment (*The Daily News*, 12 March 1999)
- Affirmative procurement is correcting imbalances (*The Mercury Business Report*, 31 May 1999)
- Perils of Whiteness (*The Mercury*, 5 July 1999)
- Lets return to the best person for the job (*The Daily News*, 19 July 1999)
- Affirmative Action Discriminates (*The Daily News*, 11 August 1999)
- Affirmative Action Needs a Rethink (*The Mercury*, 19 August 1999)
- Time to revisit and redefine affirmative action (*The Sunday Tribune*, 22 August 1999)
- Black empowerment needs new vision (*The Sunday Tribune*, 29 August 1999)
- Black companies demand share of State projects (*The Daily News*, 16 September 1999)
- Time to get serious about empowerment (*The Daily News*, 9 November 1999)
- Seeking to redress the balance (*The Mercury Business Report*, 10 November 1999)
- 'Quick fix' projects slated (*The Mercury Business Report*, 16 November 1999)
- Affirmative Action a logical solution (*The Daily News*, 11 January 2000)
- Forget black or white, go for South African Mosaic (*The Mercury Business Report*, 1 February 2000)
- Affirmative Action 'needs a time-frame' : FW calls for sunset clause. (*The Natal Mercury*, 2 February 2000)
- Empowerment loses impetus (*The Sunday Tribune*, 20 February 2000)
- Skills are critical too, not just skin colour (*The Natal Mercury Business Report*, 1 May 2000)
- Blacks robbed of plum jobs (*The Mercury*, 25 May 2000)
- Racial engineering in the form of Affirmative Action and the Employment Equity Act could cause a major setback in the reconciliation process (*Sunday Tribune*, 8 October 2001)
- Equity panic hurts blacks (*The Sunday Times*, 11 August 2002)
- Cricket quotas scrapped (*The Mercury*, 10 June 2002)
- Survey shows Indians missing out on promotion to top jobs (*The Sunday Times*, 7 July 2002)
- Colour test for coaches (*The Mercury*, 9 July 2002)
- Democratic freedom is enjoyed by only a few (*The Mercury*, 10 August 2002)
- Implement job equity or face state's wrath (*Sunday Tribune Business Report*, 13 October 2002)

APPENDIX 4

Summary of the History of Affirmative Action Policies in the USA adapted from information collated by “**Americans for a Fair Chance (AFC)**”, a non-partisan consortium of six of USA’s most prominent civil rights legal groups (<http://www.inmotionmagazine.com/aahist.html>) and Fleming *et al.*, (1978 : 56-59).

YEAR	DOCUMENT/ REPORT/ ORDERS/ VOTES/LAWSUITS/ CASES	ISSUED BY WHOM	MAJOR PROVISION
1961	E.O. 10925	John F Kennedy	Affirmative Action is introduced for the first time by instructing federal contractors to take Affirmative Action to ensure that applicants are treated equally without regard to race, colour, religion, sex, or national origin. The Committee on Equal Employment Opportunity was created.
1964	Civil Rights Act of 1964	U.S. Congress	Landmark legislation prohibiting employment discrimination by large employers (over 15 employees), whether or not they had government contracts. Established by the Equal Employment Opportunity Commission (EEOC).
1965	E.O. 11246	Lyndon B Johnson	Required all government contractors and subcontractors to use Affirmative Action to expand job opportunities for minorities ensuring that applicants are employed without regard to race, colour, religion or natural origin. Established Office of Federal Contractors Compliance (OFCC) in the Department of Labour to administer the order.



YEAR	DOCUMENT/ REPORT/ ORDERS/ VOTES/LAWSUITS/ CASES	ISSUED BY WHOM	MAJOR PROVISION
1967	E.O. 11375 Amendment of E.O. 11246	Lyndon B Johnson	Included Affirmative Action for women; federal contractors now required to make good-faith efforts to expand employment opportunities for women and minorities.
1970	Order No 4	Richard M Nixon	Authorized flexible goals and timetables to correct underutilization of minorities by federal contracts.
1971	Order No 4	Richard M Nixon	Was revised to include women.
1971	E.O. 11625	Richard M Nixon	Directed federal agencies to develop comprehensive plans and specific programme goals for a national Minority Business Enterprise (MBE) contracting programme
1973	Memorandum : Permissible Goals and Timetables in State and Local Government	Richard M Nixon	Distinguished between proper goals and timetables and impermissible quotas
1978	U.S. Supreme Court	University of California v. Bakke	Upheld the use of race as one factor in choosing among qualified applicants for admission. At the same time, it also ruled unlawful the University Medical School's practice of reserving 18 seats in each entering class of 100 for disadvantaged minority students.
1979	E.O. 12138	President Jimmy Carter	Created a National Women's Business Enterprise Policy and required each agency to take Affirmative Action to support women's business enterprises.



YEAR	DOCUMENT/ REPORT/ ORDERS/ VOTES/LAWSUITS/ CASES	ISSUED BY WHOM	MAJOR PROVISION
1979	United Steel Worker of America , AFL-CIO v. Weber	The Supreme Court	Ruled that race-conscious Affirmative Action efforts designed to eliminate a conspicuous racial imbalance in an employer's workforce resulting from past discrimination are permissible if they are temporary and do not violate the rights of White employees.
1983	E.O. 12432	President Ronald Reagan	Directed each federal agency with substantial procurement or grant making authority to develop a (MBE) development plan.
1985	Repeal of E.O. 11246	Members of Reagan Administration	Efforts by some in the Reagan administration to repeal Executive Order 11246 were thwarted by defenders of Affirmative Action, including other Reagan administration officials and members of Congress from both parties.
1986	The Sheet Metal Workers International Association v. EEOC	The Supreme Court	Upheld a judicially-ordered 29% minority 'membership admission goal' for a union that had internationally discriminated against minorities, confirming that courts may order race-conscious relief to correct and prevent future discrimination.



YEAR	DOCUMENT/ REPORT/ ORDERS/ VOTES/LAWSUITS/ CASES	ISSUED BY WHOM	MAJOR PROVISION
1987	Johnson v Transportation Agency, Santa Clara County	The Supreme Court	The Supreme Court ruled that a severe underrepresentation of women and minorities justified the rules of race or sex as one factor in choosing among qualified candidates.
1989	City of Richmond v J A Croson Co	The Supreme Court	The Supreme Court struck down Richmond's minority contracting programme as unconstitutional, requiring that state or local Affirmative Action programme be supported by compelling interest and be narrowly tailored to ensure that the programme furthers that interest.
1994	Adarand Constructors, Inc, v. Pena	The Supreme Court	The Supreme Court held that a federal Affirmative Action programme is constitutional when it is narrowly tailored to accomplish a compelling government interest-such as remedying discrimination.
1995	The Policy of Clinton's Administration	President Bill Clinton	President Bill Clinton reviewed all Affirmative Action guidelines by federal agencies and declared his support for Affirmative Action programmes by announcing the Administration's policy of mend it, don't end it.
1995	The Equal Opportunity Act	Senator Robert Dole and Repre- sentative Charles Canady and Congress	The act prohibited race or gender- based Affirmative Action in all federal programmes.



YEAR	DOCUMENT/ REPORT/ ORDERS/ VOTES/LAWSUITS/ CASES	ISSUED BY WHOM	MAJOR PROVISION
1995	Vote	The Regents of the University of California	They all voted to end Affirmative Action programmes at all University of California campuses. Beginning in 1997 for graduates school and 1998 for under-graduate admission. Officials at the university were no longer allowed to use race, gender, ethnicity or national origin as a factor in admissions decision
1995	Report	The Glass Ceiling Company	Released a report on the endurance of barriers that deny women and minorities access to decision-making positions and issued a recommendation "that corporate America use Affirmative Action as a tool ensuring that all qualified individuals have equal access and opportunity to compete based on ability and merit".
1996	California's Proposition 209		By a narrow margin in the November election, Prop 209 abolished all public-sector Affirmative Action programmes in the state in employment, education and contracting. Clause (C) of Prop 209 permitted gender discrimination that is "reasonably necessary" to the "normal operation" of public education, employment and contracting.



YEAR	DOCUMENT/ REPORT/ ORDERS/ VOTES/LAWSUITS/ CASES	ISSUED BY WHOM	MAJOR PROVISION
1996	Hopwood v. Texas	The USA Court of Appeals for the Fifth Circuit	The USA Court of Appeals for the Fifth Circuit ruled against the University of Texas. Decided that its law school's policy of considering race in the admissions process was a violation of the Constitution's equal-protection guarantee. The USA Supreme Court declined to hear an appeal of the ruling because the programmes at issue was no longer in use.
1997	Affirmative Action Programmes	Voters in Houston	Supported Affirmative Action programmes in city contracting and hiring by rejecting an initiative to banish such efforts. Houston proved that the wording of an initiative is a critical factor in influencing the voters' response. Instead of deceptively focusing attention on "preferential treatment" voters were asked directly if they wanted to "end Affirmative Action programmes". They said 'no'.
1997	Challenge of California's Prop 209	The USA Supreme Court	By declining to review the case, the court did not decide the case on its merits but allowed Prop 209 to go into effect.



YEAR	DOCUMENT/ REPORT/ ORDERS/ VOTES/LAWSUITS/ CASES	ISSUED BY WHOM	MAJOR PROVISION
1997	Vote	The USA House Judiciary Commission	The USA House Judiciary Committee voted 17-9, on a bipartisan basis, to defeat legislation aimed at dismantling federal Affirmative Action programmes for women and minorities. Representative George Gekas who moved to table the bill said that the bill was "useless and counterprotective I fear that forcing the issue at this time could jeopardize the daily progress being made in ensuring equality."
1997	Acting Assistant Attorney General for Civil Rights	Bill Lann Lee	Faced opposition to his confirmation because of his support for Affirmative Action when he worked for the NAACP Legal Defense and Educational Fund.
1997	Lawsuits		Lawsuits were filed against the University of Michigan and the University of Washington School of Law regarding their use of Affirmative Action policies in admissions standards.



YEAR	DOCUMENT/ REPORT/ ORDERS/ VOTES/LAWSUITS/ CASES	ISSUED BY WHOM	MAJOR PROVISION
1998	USA House of Representatives v USA Senate	USA House of Representatives and USA Senate	Both the United States House of Representatives and the United States Senate thwarted attempts to eliminate specific Affirmative Action programmes. First both Houses rejected amendments to abolish the Disadvantaged Business Enterprise programme funded through the Transportation Bill, and then the House rejected an attempt to eliminate use of Affirmative Action in admissions in Higher-Education programmes funded through the Higher Education Act.
1998	Ban on use of Affirmative Action in admissions	University of California	Ban on use of Affirmative Action on admissions at the University of California. Berkeley had a 61 percent drop in minority admissions, and UCLA had a 36 percent decline.



COVERING LETTER FIXED TO PACKETS CONTAINING QUESTIONNAIRES

**QUESTIONNAIRE ON AFFIRMATIVE ACTION AND EMPLOYMENT
EQUITY**

TO WHOM IT MAY CONCERN

Sir/Madam

I do understand that being an employee of a Higher Education Institution time is precious commodity, given the heavy workloads you have. In view of the tight time frames that I have for the completion of my study, I make a humble appeal to you, the name of research, to help me distribute the questionnaires to the PERMANENT ACADEMIC STAFF only for completion. Please note that as responses are STRICTLY CONFIDENTIAL an envelope is supplied for each questionnaire. The completed questionnaire must be placed in a sealed envelope and returned to the registry or internal mail office at your institution. I will collect them personally. In view of the fact that the academic staff are also heavily burdened I would appreciate it if you could constantly remind them that the completed questionnaires are due after a week from despatch. Note also that permission has been granted by your institution to distribute the questionnaire.

NO.	Recd.	Retnd.	O/std.	No.	Recd.	Retnd.	O/stdg.

Date	No Rcd.	No. Rtd.

Name : Collector/Distributor Tel. No.
--

Thank you very much for your time.

P G PADAYACHEE
Tel. No. (031)-2091231 Cell : 0837781231