



THE INSPECTORATE OF GOVERNMENT

REPORT ON INVESTIGATIONS INTO MISMANAGEMENT AND CORRUPTION AT KYAMBOGO UNIVERSITY

VOLUME V: GOVERNANCE

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Acronyms

| | |
|---------|---|
| CBA | Collective Bargaining Agreement |
| CEO | Chief Executive Officer |
| DVC | Deputy Vice Chancellor |
| ECDC | Early Childhood Development Centre |
| GOU | Government of Uganda |
| IG | Inspectorate of Government |
| ITEK | Institute of Teacher Education Kyambogo |
| KYAUSA | Kyambogo University Academic Staff Association |
| KyU | Kyambogo University |
| KYUSASA | Kyambogo University Senior Administrative Staff Association |
| NTC | National Teachers College |
| NUEI | Union of Educational Institutions of Uganda |
| PFMA | Public Finance and Management Act |
| PTC | Primary Teachers College |
| U/S | University Secretary |
| UNISE | Uganda National Institute for Special Education |
| UOTIA | Universities and other Tertiary Institutions AC |
| UPK | Uganda Polytechnic Kyambogo |
| US | University Secretary |
| VC | Vice Chancellor |
| PPDA | Public Procurement and Disposal of Public Assets Authority |

1.0 Executive Summary

1.1 Introduction

- 1.1.1 Kyambogo University (KyU) was established by the Universities and Other Tertiary Institutions Act (2003) by merging three institutions: Uganda Polytechnic Kyambogo (UPK), Uganda National Institute of Special Education (UNISE) and Institute of Teacher Education Kyambogo (ITEK). Since its inception, it has experienced turbulence due to strikes by students, faculty and other members of staff. Between 2006 and 2013, 12 strikes were recorded as having taken place at KyU.
- 1.1.2 Following the consideration of a petition alleging mismanagement of KyU by the Vice Chancellor, Prof Isaiah Omolo Ndiege, by resolution dated 15th November, 2012 the Parliament of the Republic of Uganda resolved to comprehensively address the issues of mismanagement of Kyambogo University. Parliament further specifically resolved that the Inspectorate of Government (IG) and the Office of the Auditor General do carry out in-depth investigations into alleged corrupt practices and mismanagement at KyU.
- 1.1.3 Investigations were to be carried out in the offices of the Deputy Vice Chancellor Academic Affairs, the Academic Registrar, the Procurement and Disposal Unit, Estates Department, University Secretary and the Director of Human Resources.
- 1.1.4 Prior to, contemporaneous with and after the consideration of the 2012 petition of members of staff of KyU to Parliament, the IG received a multitude of complaints in respect of alleged mismanagement and corruption at KyU. The complaints were categorised as follows:
- I. Alleged corruption in procurement and/or failure to follow procurement laws and regulations;
 - II. Alleged mismanagement and corruption in the use of financial and other resources of KyU;

III. Alleged mismanagement of recruitments, appointments and promotions at KyU, and misconduct of members of staff, including academic malpractice.

- 1.1.5 The IG also received a complaint with allegations that members of Kyambogo University Council acted in conflict of interest in the attempted removal of then Vice Chancellor, Professor Isaiah Omolo Ndiege from office. This too was investigated and reported about in this report because it featured in the hearings before the Sectoral Committee of Parliament.
- 1.1.6 IG carried out the investigations requested by Parliament between 2012 and 2015 and findings were presented in a report comprised in four volumes categorised as stated in paragraph 1.1.4 of this report, with two volumes under category II. The IG investigation unearthed mismanagement and corruption in the management KyU on all fronts investigated. The investigation also unearthed gross negligence in the management of the resources of the University.
- 1.1.7 The underlying unethical and negligent behaviour of the leaders largely fomented bitterness in a huge section of the KyU community and precipitated unrest and revolt against all forms of governance in the institution. But as if to distance themselves from the apparent widespread mismanagement of the institution, for which almost all top and senior managers were responsible, the body of staff chose to make the Vice Chancellor, then Professor Isaiah Omolo Ndiege, the scapegoat. They charged that he had single handedly mismanaged the University and proceeded to have him evicted from office in a manner that defied the law and principles of natural justice. These efforts were eventually adjudicated upon and quashed by the courts.
- 1.1.8 The in-depth investigation by the Inspectorate of Government proved that the current state of KyU is not about mismanagement by a single individual. Neither is it solely about corruption among the members of staff or the top managers of the institution. Although IG identified corruption in the collection of tuition fees and the admission of students and the investigation is still going on, the issues that have to be

addressed in order to bring about a healthier and more productive institution seem to concern the systems that are in place for the governance of the institution.

1.1.9 IG therefore set out to carry out a preliminary analysis of the governance structure of KyU. The analysis was based on the large body of information received during the in-depth investigations from the following sources:

- i) Interviews with staff and members of the University Council;
- ii) Reports from the various studies carried out about KyU in the past;
- iii) Reports of the University Council and its Committees;
- iv) Minutes of the University Council and its Committees;
- v) Policy Documents of KyU;
- vi) Regulations of staff and students of KyU;
- vii) Newspaper Reports;
- viii) Laws and Regulations that regulate public universities and the civil service in Uganda

1.1.10 The IG investigation team also interviewed a number of stakeholders from public universities and the Ministry of Education and Sports about their perceptions of the unending unrest at KyU, based on their experiences in the education sector and the management of universities.

1.2 Summary of Findings

1.2.1 Right from inception of the University, the community at KyU developed a toxic culture that is best exemplified by a mentality of 'Us vs Them'. The atmosphere is always emotionally charged with staff mistrusting the leaders and seeking to protect their jobs. There is a constant battle for the limited resources, with staff members preferring to meet their own needs at the expense of development of the institution and delivery of the needs of students. This has been the cause of the numerous strikes staged by staff in the institution. All Vice Chancellors have been subjected to blame for the shortcomings of the institution.

- 1.2.2 There has been limited or no effort to address the structural or systemic problems that are manifested by the absence of real institutional growth, though there exists a large number of studies and investigations that have been carried out by consultants to try and resolve issues thought to bedevil the institution. Prof Kagonyera may have been right when he stated that Kyambogo has failed to become a university; what needs to be done now is to identify solutions that may lead to its growth into one.
- 1.2.3 Although the merger of UPK, ITEK and UNISE was meant to result into the formation of a great polytechnic to produce highly skilled technicians for the economy and teachers for secondary schools, Kyambogo University is today largely a teaching University. It does not produce skilled technicians yet there is a dearth of all categories of technicians that were produced by the three institutions in the past. Although it was meant to skill Ugandans in the sciences, its impact in this field has not been realised.
- 1.2.4 There are hardly any research projects going on at Kyambogo to add to the body of skill and knowledge that would transform the large numbers of unemployed youth into job makers rather than job seekers. It is therefore necessary the Government goes back to the drawing board to evaluate the level of development of the institution, and why it has stagnated, and then chart the way forward for its future.
- 1.2.5 There are structural weaknesses in the Governing Council which are brought about by the gaps and conflicts in the law. In the case of KyU, the interpersonal conflicts and unhealthy competition among top managers of the University, who were also members of the Council, were exploited by staff members who negatively influenced Council to act in a subjective and unprofessional manner. The weaknesses in the Council also meant that the staff members were able to control the Council to the detriment of the achievement of the objects of the University.

- 1.2.6 The Appointments Board as constituted by law also has systemic weaknesses in that it is susceptible to control by the Council. The absence of regulations/guidelines to regulate procedures and time limits for the conduct of its business makes the Board slow and ineffective in ensuring that members of KyU staff are subjected to disciplinary proceedings, leading to impunity among the staff. The Board as it stands today is a liability to the University in terms of the resultant costly litigation in the civil courts and disorderly conduct among staff members of the University.
- 1.2.7 Apart from any other organ of the University, Senate should demonstrate efficiency and effectiveness in implementing its functions in order to build a positive image of the institution. The ineffectiveness of Senate in ensuring that all programmes offered at KyU are fully accredited, lapses in assessment that lead to delay in producing results as well as the evidence that there is actually academic malpractice at KyU, have contributed to the decline in the numbers of students desiring to join the University.
- 1.2.8 It is also apparent that the calibre of skill sets needed to manage the institution was not achieved in the last recruitment of top managers in the years 2009, 2010 and 2011. It was established that there was perceived conflict of interest in recruitment by the KyU Council which led to the appointment of officers who some members of staff described as rejects from other institutions.
- 1.2.9 Although there appears to be an overlap of the roles and functions in the offices of the Vice Chancellor and University Secretary under the UOTIA, which may result into conflicts between the two in the implementation of their mandates, the perceived overlap is resolved by other laws relating to public financial management. While the VC is responsible for the academic, administrative and financial affairs of the University as the Chief Executive Officer (CEO), the US is the Accounting Officer within the meaning of Public Finance Management Act (PFMA) and is responsible for the general administration of university assets. Although the UOTIA states that he is

responsible to the VC, the PFMA makes the U/S personally and pecuniary responsible directly to Parliament.

- 1.2.10 The administrative and financial role of the VC in a public university should be that of general oversight and mobilization of resources on behalf of the Council, not the day to day management of the assets and liabilities of the institution, especially not the funds that are expended from day to day.
- 1.2.11 The Accounting Officer is not only responsible for the funds allotted to and collected by the university but also for all its assets. This is a full time occupation requiring specialized managerial and financial skills and the dedication of the Accounting Officer. It cannot be amalgamated with the diverse roles of the VC as Chief Executive Officer, academician and leader of all of top management.
- 1.2.12 Frustration of programmes of VC by the Accounting Officer should not be possible because according to section 20 of PFMA an Accounting Officer shall plan and manage the activities as indicated in the policy statement of the vote, based on the cash flow plan issued by the Secretary to the Treasury. The policy statement of a vote is generated in a consultative process that, of necessity, must include the VC; all programmes of the vote are considered and allocated resources in advance prior to the approval of the budget by Parliament.
- 1.2.13 There are no full professors at KyU and there are only a handful of associate professors, including visiting professors. This makes it difficult for KyU to fulfil its research function and develop the calibre of staff required due to an absence of faculty to supervise masters and PhD students. The absence of professors coupled with the dearth of senior lecturers in the institution makes it difficult to fill the vacant posts of Deans and Heads of Departments.
- 1.2.14 Although the Universities and Other Tertiary Institutions Act provides for at least three Staff Associations in every public university, it does not explain the purpose for which the associations are formed. There are three staff associations at

KyU (KYUASA, KYUSASA and NUIE) which have demonstrated that they are capable of merging and forming a strong force to lobby for and defend the rights of employees. The absence of an internal grievance handling mechanism between the employer and employees empowers the staff associations to act as a valid force against management decisions.

- 1.2.15 Only one of the staff associations at KyU, NUEI, is registered as a union because it is a branch of the Uganda National Union of Educational Institutions (U) which is registered under the Labour Unions Act. The other two are not labour unions but in 2012 and 2013, they purported to merge with NUEI and led strikes of staff members which coerced the Governing Council to effect promotions, increase salaries and evict then Vice Chancellor Prof Isaiah Omolo Ndiege from office.
- 1.2.16 Kyambogo University staff, managers and the University Council seem to be totally unaware of the law relating to industrial action with regard to public servants, the Public Service (Negotiating, Consultative and Dispute Settlement Machinery) Act of 2008 and the Labour Unions Act 2008. The former provides for a mechanism for consultation and negotiation with government for public officers and prohibits strikes unless the mechanisms are exhausted. Strikes can only be embarked upon on the issuance of a certificate by the Consultative Council that the mechanisms have been exhausted.
- 1.2.17 The withdrawal of labour by public officers in institutions providing essential services (including education and health) is only validated when notice is issued accompanied by a certificate signed by the Chairperson of the Public Service Consultative Council stating that 90 days have elapsed since the date of the report of a labour dispute to the Council; and that the dispute settlement machinery under the Public Service (Negotiating, Consultative and Dispute Settlement Machinery) Act has been exhausted. Staff issuing notice to strike must be members of a registered labour union designated by the Minister for Public Service.

- 1.2.18 KyU staff, led by some of the executive committee members of the staff associations have over the last few years carried out illegal strikes in total contravention of the law, leading to disruption of academic programmes and loss to government due to remuneration paid to recalcitrant staff members who abandon their responsibilities and intimidate others to emulate their conduct. The errant leaders of the strikes have always gone unpunished, legal advice from the University's lawyers notwithstanding.
- 1.2.19 The response of the Governing Council to the strikes in 2012 and 2013, i.e. negotiating with and complying with the illegal demands of the staff associations, seemed to validate the allegations of some members of staff and the Council that the strikes for the removal of Prof Ndiege from office were orchestrated, supported and encouraged by some members of KyU top management and the Council.
- 1.2.20 The KyU Students' Regulations, 2003 lay down the standard of conduct of students of the University. They contain rules about matters that affect the life of the student on KyU campus as well as the conduct of students who stay off the campus. However, they do not provide for clear grievance handling procedures between students and administration of the University. Students therefore resort to strikes in order to be heard by the administration. Some students' strikes have been a result of strikes by academic and administrative staff of the University.
- 1.2.21 By the end of F 2014/2015, KyU was indebted to the tune of UGX **15,369,127,562**. In July 2015 the University was disconnected from the supply of electricity due to the large debt that had been incurred. Staff members and suppliers also claim arrears of payments. There is also evidence that there has been fraudulent collection of tuition fees by staff members, sometimes in collusion with students.
- 1.2.22 Though the University depends on subventions from government and fees from private students, both are inadequate to meet the cost of effectively running the institution. KyU

highly depends on fees paid by private students (67%) to finance its budget. The seed capital that was meant to be provided for the establishment of the institution has never been provided leading to the continuation of the institution limping on and trying to raise funds from private students. This position is unsustainable in the long run and may lead to closure of the University due to the heavy debt burden.

- 1.2.23 Without affirmative financial support from Government, the University will not be able to implement its strategic plan. In the period ending 2012/2018 the University requires UGX 100 billion to implement 25% of its Master Plan for Physical infrastructure and ICT facilities.

1.3 Recommendations

- 1.3.1 Government should consider the original concept of having Kyambogo University converted into a federal University with constituent colleges, and the continued maintenance of the core characteristics of the three merged institutions (ITEK, UPK and UNISE) with a view to emphasising the teaching of practical courses in science and technology, and research in those areas.
- 1.3.2 An independent organizational development assessment of KyU should be carried out in order to establish its weaknesses and strengths, as well as its vision and mission with a view to formulating the new strategic direction for the institution for the future.
- 1.3.3 A qualified Change Manager should be recruited to align the current realities with the original merger strategy for the three institutions and develop a comprehensive Change Management Plan, including dealing with the toxic culture that has developed in the institution since its establishment.
- 1.3.4 A review of all KyU programmes should be done to ensure that they are worth continuing with and that there is no duplication or continuation of programmes that are not worthy of the status of university degrees; the accreditation of suitable programmes should be completed as a priority.

- 1.3.5 UOTIA should be amended in order to reduce numbers of the members of the University Council and specify persons with the relevant technical skills and knowledge to become members of the Council to replace the broad based organ representing constituencies that the Council is at present.
- 1.3.6 The University Secretary should expedite the development of a charter specifying the functions of the University Council in detail and the procedures for meetings of the Council and its Committees.
- 1.3.7 Members of the Council should always be inducted into their roles as such at the earliest opportunity after their appointment. Induction should include introduction to the principles of natural justice and corporate governance so that those who are not versed with these principles can also execute their mandate in a professional and ethical manner.
- 1.3.8 Section 43 of UOTIA should be amended to remove the possibility of the Chairperson of the Council being a member of all Committees of the Council.
- 1.3.9 Section 55 of UOTIA should also be amended to provide for a more objective and independent appointment of the VC and DVCs, as well as provide clear and objective criteria for their removal from office including guaranteeing the right to a fair hearing. VC and DVCs should not be subject to disciplinary proceedings before the Appointments Board but an independent body should be identified or formed through which they can be disciplined in a fair and objective manner.
- 1.3.10 The University Secretary should through the University Council put in place regulations or guidelines for the proceedings of the Appointments Board taking into consideration the provisions of Article 28 and 42 of the Constitution of the Republic of Uganda, which provide for the rights to a fair hearing and to just and fair treatment in administrative decisions.

- 1.3.11 UOTIA should be amended to remove the current conflicts of interest that are inherent in having all members of the Appointments Board elected by the University Council from among its members, and including members from other institutions that could provide guidance on recruitment, appointment, dismissal and other disciplinary processes, such as representatives of the Ministry of Public Service, Public Service Commission and the Office of the Solicitor General.
- 1.3.12 Apart from being the CEO of the University, the VC should as a priority focus on his role as the Chairperson of Senate and ensure that its objects and functions are given priority by the managers of the University and the University Council.
- 1.3.13 The Senate and the University Council should expedite the process of developing regulations/guidelines for the conduct of Senate business, including providing timelines for activities of faculties, departments and Senate. Efforts should also be made to improve the co-ordination between Senate, faculties and departments through a strengthened office of the Academic Registrar.
- 1.3.14 Senate should ensure strict enforcement of provisions set in its regulations for assessment and award of degrees, diplomas and certificates, as well as deal appropriately and timely with any allegations of academic and examination malpractices.
- 1.3.15 The UOTIA should be amended to remove overlapping roles between the various offices created under Part VIII thereof, e.g. DVC (Academic) and Academic Registrar, bursar and accounting officer.
- 1.3.16 KyU Council should be facilitated in the recruitment processes for top managers of the University by provision of expertise that will enable it to search for and recruit staff of a high calibre, in a competitive recruitment process devoid of the conflicts of interest now present in recruitments at KyU.
- 1.3.17 For the avoidance of doubt the UOTIA should be amended in sections 31 and 33 relating to the roles and functions of the Vice

Chancellor and the University Secretary in order to bring it in conformity with the Public Finance and Management Act and the regulations under it.

- 1.3.18 In the short run the University Council should on appointment of the VC and University Secretary provide the two officers with contracts that clearly specify their roles and functions as distinct from each other, and clear job descriptions to guide the rest of staff on the roles of each of them. The job descriptions for the University Secretary and Vice Chancellor should clearly delineate each of their roles and responsibilities in order to minimize conflict.
- 1.3.19 KyU should recruit a competent University Secretary with specialised financial and administration skills, and a track record of experience similar to that of competent Permanent Secretaries employed by Government in the Public Service.
- 1.3.20 KyU Council should ensure recruitment of a Vice Chancellor with good academic, financial and administrative skills to enable him exercise oversight and supervision of the top managers and good interpersonal skills that will enable him/her inspire and create a team out of the top managers of the University.
- 1.3.21 KyU should arrange programmes for development of leadership and supervisory skills for Deans and heads of departments to enable them deal with indiscipline among their supervisees and improve performance of academic staff.
- 1.3.22 The UOTIA should be amended in section 56 in order to bring it in conformity with the provisions of the Public Service (Consultative, Negotiating and Dispute Resolution Mechanisms) Act; UOTIA should reflect the current legal regime by specifying the purpose and functions of the University Staff Associations.
- 1.3.23 The University Council and the Ministry of Education, Science, Technology and Sports should ensure that staff of KyU strictly complies with the mechanisms for consultation and negotiation under the Public Service (Consultative, Negotiating and Dispute Resolution Mechanisms) Act whenever there is need to review

and improve their terms and conditions of service and welfare needs, in order to avoid being manipulated by errant striking members of staff.

- 1.3.24 KyU management and the University Council should strictly enforce the provisions of the Public Service Standing Orders and the Public Service (Consultative, Negotiating and Dispute Resolution Mechanisms) Act which limits labour unionist interventions by staff members who are providers of essential services as is specified by the Act.
- 1.3.25 The members of staff that incited their colleagues to perpetrate the 2012 and 2013 strikes, Mr Betihamah Jackson, Dr. Charles K. Twesigye and Madina Lunkuse are culpable under the Public Service (Negotiating, Consultative and Dispute Settlement Machinery) Act, the Terms and Conditions of KyU Staff (2005) and the Public Service Standing Orders. They should be subjected to disciplinary action before the KyU Appointments Board.
- 1.3.26 The Dean of Students should through the University Council ensure that an amendment of the University Regulations for Students is effected providing clear grievance handling procedures for complaints against the administration, including provision for independent conciliators to mediate between the two.
- 1.3.27 The KyU Security Office should be strengthened to enable it support the Uganda Police and management of the University in carrying out internal policing measures and gathering intelligence information from the whole of the KyU community.
- 1.3.28 KyU should recruit and appoint a highly skilled and dedicated Dean of Students with excellent skills at resolving high level conflicts and with good people skills to enable management of the relationship between the student body and the managers of KyU.

- 1.3.29 KyU should persist in preventing indiscipline among students by subjecting perpetrators of strikes to both internal disciplinary proceedings and due process under criminal law.
- 1.3.30 The provision of UGX 223m for capital development to KyU is simply a drop in the ocean. Government should as a priority provide funds for the overhaul of the crumbling infrastructure of the University, such as replacing the asbestos roofs which are a health hazard to users and the very old and overwhelmed sanitary facilities and sewerage system built in the 1950 and 60s which has become too expensive to maintain, given the increase population of the university and the limited financial resources available.
- 1.3.31 Government should fund KyU adequately to enable the recruitment of academic staff to the level of at least 60% of the existing establishment in order to improve the ratio of academic staff to students and so meet the standards set by the NCHE; as well as develop their skills to the levels required to substantively fill the vacant positions of deans and heads of departments.
- 1.3.32 Government should also provide funds for the full establishment of the Postgraduate School in order for KyU to increase numbers of academic staff by training current academic staff internally in order to meet the staff/student ratios set by NCHE.
- 1.3.33 In the short-run Government should provide adequate funds to enable the University to recruit full and associate professors in order to improve the capacity of KyU to supervise PhD students.
- 1.3.34 The University Council should review the workload that was proposed by the teaching staff through Senate and approved by Council, as well as the rates that are being paid to lecturers in comparison to those paid to teaching staff in other Universities. The UOTIA should be amended to provide for a body to approve terms and conditions of service and remuneration of all staff in public Universities.
- 1.3.35 Future Government subventions to KyU should take into consideration its important role of supervising and moderating

the programmes of the Primary Teachers Colleges National Teachers Colleges and the Early Childhood Development Centres; a specific budget line should be provided for this purpose.

- 1.3.36 Government should also provide adequate funding to enable KyU implement the Master Plan that was developed for the vast pieces of land now lying idle and exposed to encroachment and fraudulent activities, which have led to substantial loss of this valuable and attractive asset.

REPORT ON INVESTIGATIONS INTO THE ALLEGED MISMANAGEMENT AND CORRUPTION AT KYAMBOGO UNIVERSITY: GOVERNANCE OF KYAMBOGO UNIVERSITY

1.0 Introduction

1.1 Background

- 1.1.1 By resolution dated 15th November, 2012 the Parliament of the Republic of Uganda resolved to comprehensively address the issues of mismanagement of Kyambogo University (KyU). This was after the Parliamentary Sectoral Committee on Education and Sports considered a petition by members of staff of the University alleging mismanagement of the University by Professor Isaiah Omolo Ndiege, then Vice Chancellor. Parliament then recommended, among others, that an in-depth investigation be instituted into the offices of the Deputy Vice Chancellor Academic Affairs, the Academic Registrar, the Procurement and Disposal Unit, Estates Department, University Secretary and the Director of Human Resources, respectively.
- 1.1.2 Parliament further specifically resolved that the Inspectorate of Government (IG) and the Office of the Auditor General do carry out in-depth investigations into the alleged corrupt practices and mismanagement at KyU. Parliament's intervention and the Inspectorate's investigation were against the history outlined below.
- 1.1.3 Kyambogo University was established by the Universities and Other Tertiary Institutions Act (2003) by merging three institutions: Uganda Polytechnic Kyambogo (UPK), Uganda National Institute of Special Education (UNISE) and Institute of Teacher Education Kyambogo (ITEK).
- 1.1.4 The institution also has a history of students and members of academic and administrative staff rejecting its leadership. The management of the University has also been characterised by demands being made by students, faculty and administrative staff using strikes which have in some instances resulted in

destruction of property and closure of the University. Over the years there have been various strikes, including the following:

- i) January 2006, Bachelor of Technology students went on strike protesting the administration's refusal to convert the programme to Engineering;
- ii) July 2006, academic staff went on strike demanding that the Vice Chancellor, Prof Lutalo Bbosa, and top management resign for allegedly misleading the University Council with regard to fresh appointments. They also protested an order of the High Court which required them to return their appointment letters;
- iii) October 2006, academic staff went on strike, the second one that year, over the integration of the three mother institutions into one structure without compromising standards set by the National Council of Higher Education (NCHE), and alleged irregular appointment of staff by the then Vice Chancellor Professor Lutalo Bossa;
- iv) March 2011, students went on strike over management's neglect of consistent complaints about poor hygiene, late release of the semester results, absence of furniture in lecture rooms and lecturers failure to turn up and teach, as well as poor meals;
- v) April 2011, students went on strike over a change in the fee structure and what they referred to as "*bad administration*";
- vi) December 2011, students went on strike over allegations that the Guild president caused loss of guild funds amounting to UGX 110 million;
- vii) March 2012, students went on strike to protest delay in the release of their results and being served breakfast without bread, as well as delay in release of students' allowances and university property was destroyed;
- viii) March 2012, students went on strike, a few days after the previous one, over the administration's demand that

student who still owed tuition fees be prevented from attending lectures;

- ix) October 2012, members of academic and support staff went on strike to demand that the Vice Chancellor, Prof Omolo Ndiege step aside to enable investigations to be carried out on allegations that he mismanaged the university;
- x) April 2013, students went on strike protesting being blacklisted by the University administration for failure to pay tuition fees for the previous academic year;
- xi) October 2013, a section of lecturers went on strike protesting a decision of the High Court that the VC, Professor Isaiah Omolo Ndiege, who had been ousted by the University Council do return to the University and resume his office;
- xii) November 2013, students went on strike to demand resumption of teaching by the lecturers who continued with their strike protesting against the resumption of office by the Vice Chancellor.

1.1.5 Prior to, contemporaneous with and after the consideration of the 2012 petition of members of staff of KyU to Parliament, the IG received a multitude of complaints in respect of alleged mismanagement and corruption at KyU. The complaints were categorised as follows:

- I. Alleged corruption in procurement and/or failure to follow procurement laws and regulations;
- II. Alleged mismanagement and corruption in the use of financial and other resources of KyU;
- III. Alleged mismanagement of recruitments, appointments and promotions at KyU, and misconduct of members of staff, including academic malpractice.

1.1.6 The IG also received a complaint with allegations that members of Kyambogo University Council acted in conflict of interest in

the attempted removal of then Vice Chancellor, Professor Isaiah Omolo Ndiege from office.

1.1.7 It was further alleged that the cause of the attempts to remove the VC where the result of delays in taking action on cases of indiscipline and insubordination by the relevant bodies of KyU. That the trend resulted in impunity among members of staff and management, precipitating a standoff and constant strikes at the University.

1.1.8 The petition before Parliament which resulted in recommendations to have the IG carry out an in-depth investigation over various issues that fomented and resulted into unrest at the University, among others, raised the following issues:

- i) Usurping of the powers of the University Secretary and other officers by the Vice Chancellor;
- ii) Barking, intimidation and personalisation of issues against staff members by the Vice Chancellor;
- iii) Creation of an intelligence desk that is not in the University structure;
- iv) Interference with procurement processes and influence peddling;
- v) Lack of respect for the Governing Council;
- vi) Compromising academic standards in the University, e.g. by reducing the period of field practice, internship and practicum supervision by giving excuses of limited funds which had greatly affected standards at the University;
- vii) Failure to prioritise student welfare and teaching facilities;
- viii) Causing financial loss to the University; and
- ix) Blocking promotions of staff.

1.1.9 The issues raised in the petition before the Parliamentary Sectoral Committee on Education and Sports by members of staff of KyU largely related to governance of the University. The allegations of corruption and mismanagement were in the opinion of the IGG simply a manifestation of poor or unsatisfactory governance.

1.1.10 It was established that governance issues at KyU are as old as the University itself. In 2006 the academic staff and support staff of KyU went on a sit down strike due to various grievances. Since the strike had paralysed the institution, the Minister of Education submitted it to Cabinet for its intervention. Cabinet then appointed a Committee to look into the unrest and strike at KyU which produced a report in March 2007.

1.1.11 According to the Report of the Cabinet Committee, the grievances that led to the strike included:

- i) The un-ending integration process
- ii) Dissatisfaction among members of staff with the manner in which top officials of the University were appointed
- iii) Absence of Master and Strategic Plans
- iv) Limited academic representation on the Senate
- v) Inadequate infrastructure
- vi) Inadequate preparation in starting the University
- vii) Poor administration
- viii) Inadequacy in handling academic issues, and
- ix) Insufficient funding

1.1.12 The Cabinet Committee found support for some of the grievances and in summary recommended that:

- i) As a matter of priority KyU management should put in place Master and Strategic Plans;
- ii) The Vice Chancellor whose irregular appointment had been complained about be given an early retirement;
- iii) Financial regulations, policies and laws should be strictly adhered to;

- iv) The integration process be expedited following which a revalidation exercise of all staff be done;
- v) Infrastructure be improved and the academic concerns relating to recruitment of qualified staff be addressed including the introduction of a practice whereby students assess lecturers performance.

1.1.13 The strikes that occurred in 2006 were only quelled by the intervention of the President of the Republic of Uganda as the Visitor, and then Prime Minister, Prof Apolo Nsibambi who addressed staff and students and convinced them to have the situation at the University revert to normal.

1.1.14 Subsequently, a complaint was registered with the IG where it was alleged that there was a total failure by the University's top management to implement the merger of the three institutions to form the new Kyambogo University and handle the integration of staff within the new structure. It was further alleged that there was conflict of interest among senior managers characterised by the failure to handle the appointment of top managers in accordance with the law. That in addition, there was gross mismanagement of the financial and other resources of the University.

1.1.15 Following an investigation by IG in Complaint **TS 123.2007**, it was established that:

- i) There was deviation from the original concept of the merger of the three intuitions: UPK, UNISE and ITEK. While the original concept was to merge the three institutions and form a greater polytechnic that would specialise in advancing professionalism in science, technology and teacher education embracing the three institutions as constituent colleges which would retain the special characteristics and core competences of the former institutions, the original idea was abandoned by the Ministry of Education (MOE). The IG concluded that it was the abandonment of this original concept that contributed

to the management crisis that later paralysed the University.

- ii) It was also established that there was an absence of an implementation strategy for merging the three institutions and the integration of staff into the new structure. Although a Committee was established to give guidance on the strategy for the merger and did so (Tusubira Committee), its recommendations were not implemented by the MOE. This resulted into both short and long term effects that continue to bedevil the University today.
- iii) It was further established that weaknesses in the law, the UOTIA of 2003, complicated the merger, especially in as far as it related to integration of staff from the three institutions into the University. For example, the Act rendered it illegal to carry out any restructuring of the three intuitions to come up with a uniform structure for it provided for the automatic transfer of staff from each of the three institutions to the University. The amendment of the Act in 2006 only effectively dealt with the transfer of academic staff from UPK, leaving the status of the staff from the other two institutions unclear.
- iv) It was also found that the formation of an interim University Council in the broad based spirit of the UOTIA was difficult. While ITEK and UPK originally had two separate governing bodies which should have been dissolved with the intention of forming a new Council for the University under the Act, the ITEK governing council was appointed as the interim University Council. It was not representative of the interests of all the three institutions and this was reflected in the manner in which it conducted business; many of the staff of ITEK were appointed to senior positions in KyU leading to discontent and strife among the rest.
- v) There was inadequate funding to implement the intentions of the framers of the merger. Although it was anticipated

that additional funding for the merger would be required right from the conceptualisation of it, the Minister of Education of the time was of the view that the University could survive on the funding formerly allocated to the three institutions put together. The Minister was also of the view that the infrastructure held by the three institutions would be sufficient to hold the University. Funding constraints therefore continued to be a common feature in the stunted development of the institution.

- vi) Regarding the process of appointment of the top management team, it was established that several of the persons appointed were in conflicted situations during the process of appointment. They did not disclose their interests and ended up in management positions through manipulative and fraudulent processes. It was therefore found necessary to have several of them, including then Vice Chancellor, Prof Lutalo Bossa, removed from office.
- vii) It was also established that there was mismanagement of resources of the University by top managers, some of whom provided goods and services to the University and used the University shop for personal gain. Financial resources were also mismanaged due to a breakdown of the accounting system characterised by poor record keeping, total lack of accountability regarding the operation of income generating units such as the University Café, farm, guest house and the mechanical workshops.
- viii) Financial mismanagement was also manifested by failure to follow policies on payment of medical allowances, transfer of monies from academic departments without following approved sharing ratios and failure to remit statutory contributions such as NSSF and PAYE.

1.1.16 The IG made several recommendations as a result of the findings above including the following:

- i) Amendment of the UOTIA to resolve the issues of integration of staff into KyU, with a view to allowing for restructuring and proper integration of staff who could not fit in the new structure, as well as laying off others that could not be integrated;
- ii) Government ensuring that sufficient funds are provided for capital development such as infrastructure and equipment to promote teaching of science and technology;
- iii) Retiring and terminating services of staff who had been irregularly/illegally recruited by the University Council;
- iv) Government to consider the original concept of having the University converted into a federal University with constituent colleges and continued maintenance of the core characteristics of the three merged institutions with a view to emphasising the teaching of science and technology;
- v) Reforms of the managerial processes of the University to safeguard its property from being wasted and/or lost, such as computerisation of financial records management, divestiture of income generating units such as the Café and Guest House, establishing strong internal financial controls, strict adherence to procurement procedures and public financial regulations, and streamlining the recruitment processes.

1.1.17 After the termination of the services of Professor Lutalo Bossa, in 2008 KyU went through a process of identifying and appointing a new Vice Chancellor through a competitive and transparent process under the UOTIA. The search process came to an end in 2009 with the appointment of Prof Isaiah Omolo Ndiege.

1.1.18 Judging from the volume of complaints received about particular individuals both among the managers and other members of staff, it became clear to the Inspectorate of Government that the larger body of members of staff and

students at KyU continue to believe that the unsatisfactory management of the University is majorly a result of either incompetence or corruption on the part of the most senior managers of the University, or some among their number. This was manifested by the efforts that KyU employees went through during the pendency of the terms of office of Professors Lutalo Bossa and Omolo Ndiege, to have the two removed on allegations of mismanagement.

1.1.19 The removal of Professor Ndiege is more pertinent to this investigation and therefore will be used as a case study to demonstrate some of the failures in the governance system at KyU.

1.2 Eviction of Prof Isaiah Omolo Ndiege from KyU

1.2.1 Sometime in May 2012 “*concerned staff*” members of the University lodged a complaint with the Inspectorate of Government where it was alleged that the Vice Chancellor worsened the situation of turmoil that prevailed under the leadership of Prof Lutalo Bossa. Further that Prof Ndiege managed the University like a “*colonial master*” and there was no team work among members of the management team. It was specifically alleged that the VC mismanaged and abused his office as follows:

- i) Taking over the role of the Accounting Officer/University Secretary;
- ii) Offering selective rewards in the form of distribution of positions of responsibility and allocation of allowances;
- iii) Misuse of University property, influence peddling in procurement processes and intimidation of staff;
- iv) Putting in place ad hoc policies and personal vendetta and egocentrism of the VC that caused financial loss to the University;

- v) Failure to ensure equality in the University as seen in the investigations of students whose marks were altered and names included on the graduation list yet they still had retakes.
- 1.2.2 The complainants asserted that Prof Ndiege was no longer fit to hold public office and that IG should order him to step aside to allow an investigation to be carried out about his management style.
- 1.2.3 IG did not investigate this complaint because soon thereafter, members of staff of KyU lodged a petition with Parliament with similar grievances which IG learnt about through news broadcasts and the print media. The complainants were informed.
- 1.2.4 On the 19th July 2012, the members of the three staff associations, Kyambogo University Academic Staff Association (KYAUSA), Kyambogo University Senior Administrative Staff Association (KYUSASA) and the National Union of Educational Institutions (NUEI) met to discuss matters of common interest. They resolved to call a general assembly of all members of staff and subsequently, a General Assembly was held on the 9th August 2012.
- 1.2.5 The General Assembly discussed concerns of the members of staff about their welfare which they believed was neglected by the University Council and what they referred to as mismanagement of the University by then VC, Prof Isaiah Omolo Ndiege. The Assembly resolved that:
- i) The top-up increment that had been passed by the Finance and Resource Mobilisation Committee of the Council be paid with effect from July 2012 by 20th August 2012. Failure to effect payment by the said date would leave the University staff no other option but to withdraw their services;

- ii) The promotion of eligible staff members that started in 2011 should be completed by 15th September 2012 and this should be done before any new recruitment is effected. If this was not effected members would convene to decide the next course of action; and
- iii) Due to the many issues relating to the mismanagement of the University, the Government and the University Council should ensure that the Vice Chancellor Prof Isaiah Omolo Ndiege steps aside by 20th August 2012 to allow for a detailed investigation into the working conditions of staff and general mismanagement of the University. If this was not done, it would compel staff to withdraw their services.

1.2.6 The chairpersons of the three staff associations then issued an ultimatum to the Chairman of the University Council containing the three resolutions, dated 10th August 2012 (**Annex 1**). Attached to it was a long list of grievances which they wished to have investigated (**Annex 2**).

1.2.7 During the course of the demands by the staff associations, the term of the 2nd University Council came to an end. A new Council was appointed and it held its first meeting on 16th August 2012. The 3rd University Council inherited the problems that the 2nd Council had been battling with, perhaps with little understanding of the power bases at the University. Council formed a Committee to consider the issues that were contained in the demand letter sent to the Chairperson by the staff associations. Although the new Council pleaded with the staff associations to allow it time to consider the demands in the resolution, it was to no avail.

1.2.8 Management of the University gave in to the demands of the joint staff associations and identified funds to pay off the top up allowance demanded for, which has resulted into an unplanned expense which the University managers continue to battle

with.¹ They also recommended to the Council that the promotions that the staff associations demanded be implemented. The Committee that had been put in place by Council to look into the demands of staff agreed with management and the resolutions of the staff associations carried the day, except one, the demand that Prof Ndiege step aside to allow for an investigation against him.

1.2.9 On 22nd August 2012, Council met and approved the recommendations of the Committee. Council then set up the Ad Hoc Committee to investigate what the staff associations alleged was mismanagement of the University by Prof Ndiege. When the resolutions of Council were communicated to staff they still insisted that unless Prof Ndiege steps aside they would withdraw their labour by 24th August 2012.

1.2.10 On the 23rd August 2012, at a joint meeting of the three staff associations, members issued an ultimatum (**Annex 3**) in which they acknowledged that two of the demands made in their letter of 10th August 2012 (**Annex 1**) had been met to their satisfaction. However, they expressed discontent that the Council did not address the issue of making the Vice Chancellor step aside to facilitate an investigation by an independent organisation (possibly the IG) against him, apart from the Ad Hoc Committee of Council. They finally stated that they would withdraw their labour by 5.00 p.m. that day, unless the VC stepped aside for such an investigation to take place.

1.2.11 The VC did not step aside as demanded, and the Council did not force him to do so. The members of staff therefore declared a sit down strike to enforce the ultimatum.

1.2.12 Between the 25th and 30th August 2012, there was a series of meetings to try and resolve the issue but to no avail. On the 26th August 2012, at a special meeting that had to be held in the night till 11.30 pm Council, with the guidance of the university

¹ Total indebtedness due to unpaid allowances and salaries amounted to UGX 4,752,754,592 at the end of FY 2014/2015

lawyers,² resolved that the following senior managers of the University be given seven days' notice to step aside to give room for an investigation into the mismanagement of the University:

- i) The Vice Chancellor
- ii) University Secretary
- iii) Academic Registrar
- iv) Dean of Students
- v) Dean of Faculty of Arts and Social Sciences
- vi) Ag Dean Faculty of Engineering
- vii) Head of Department Civil and Building Engineering
- viii) Head of Department of Sociology and Social Administration
- ix) Senior Procurement Officer
- x) Ag Estates Officer
- xi) Deputy Registrar Admissions

1.2.13 However, the University Council reviewed the situation at a meeting held on 29th August 2012 and recommended closure of the University to enable issues bedeviling it to be dealt with in a sober and peaceful environment. According to the minutes of that meeting (**Annex 4**) it was the view of the Chairperson that there was no reason for officers, other than the VC, to step aside because the decision to investigate them was premature as there was no evidence against them.

1.2.14 It was alleged that the evidence against the VC was documented and so he ought to step aside. However, Council was not agreed as to whether the other members of staff it had earlier proposed to investigate should also step aside and be investigated with the VC. There was also no consensus as to whether the VC should step aside so the matter was put to vote. Since the vote was against the VC stepping aside, it was resolved that he continue in office during the course of the investigations.

1.2.15 The decision did not go down well with staff members who continued on strike. As a result, Council decided to close the University. Closure was announced on 30th August 2012 in fear

² M/s Kalenge, Bwanika, Ssawa & Co., Advocates were represented at the meeting.

that students would also strike and destroy University property. The University remained closed for about one month.

1.2.16 After closure of the University, the University Council prevailed upon Prof Ndiege to either step aside to allow for an investigation against him to take place or take his accumulated leave and allow the University to re-open. Following meetings with officials from the Ministry of Education and Sports, the Council held an emergency meeting on the 15th September 2012 where it was resolved that Prof Ndiege takes his accumulated leave of 50 days. This was done, ostensibly to allow the University to re-open and for the Ad Hoc Committee set up by the Council to investigate the alleged mismanagement of the University by Prof Ndiege.

1.2.17 At a Special Council Meeting held on the 10th September 2012, the terms of reference (TOR) of the Ad Hoc Committee of Council had been given as follows:

- i) To receive and analyse the allegations to determine their validity and make appropriate recommendations to Council;
- ii) Identify the problem, causes and make proposals for intervention;
- iii) All parties with grievances to forward evidence documents, and any information in support of the allegations against the VC and vice versa;
- iv) To investigate any related issues that could have led to the alleged mismanagement of the University.

1.2.18 The Committee that was tasked with the TOR above comprised of four Chairpersons of the Committees of KyU Council. Having been given the leeway to co-opt technical persons to support them in the process, they co-opted 4 persons representing the Ministry of Education and Sports, Office of the Solicitor General, Ministry of Public Service and the National Council for Higher Education. The Chairperson of KyU Council at the time, Prof John Okedi, was an ex-officio member.

1.2.19 On 18th September 2012, the University opened and the Ad Hoc Committee of Council began its investigations into the alleged mismanagement of KyU by the Vice Chancellor. He was invited to the Committee and responded to the allegations against him on the 13th October 2012.

1.2.20 The Committee which was required to produce a report within a period of 6 weeks considered and made findings on the following aspects of management of KyU:

- i) Financial Management
- ii) Procurement
- iii) Management of University assets
- iv) Management and leadership style
- v) Academic quality assurance
- vi) University establishment and staff recruitment
- vii) Resource mobilisation and allocation
- viii) Student affairs
- ix) Teaching and learning facilities
- x) Staff welfare
- xi) Security and safety
- xii) Council issues
- xiii) Public relations policy

1.2.21 There was an indication that some issues that came up were not considered by the Committee which decided to refer them to the University Council for appropriate action and follow up. The following are the issues that were referred to Council:

- i) Examinations
- ii) Teaching
- iii) Admission issues
- iv) Inadequate ICT
- v) Extra load/overtime
- vi) Outsourcing university services
- vii) University land

- 1.2.22 The Ad Hoc Committee issued a report in October 2012 with findings on the issues that are attached to this report as **Annex 5**. The issues included some that came up in complaints raised in the petition before the Parliament of the Republic of Uganda, and the Inspectorate of Government in the years 2012, 2013 and 2014.
- 1.2.23 In summary, the Committee found that the majority of the allegations against the VC were either untrue or could not be substantiated, save for irregular participation in procurement processes for his office and approval of payment vouchers contrary to the relevant laws. With regard to the allegations about mismanagement of the human resource of KyU, there was evidence to show that the VC was in the habit of barking at and intimidating members of staff. He was also found to be hostile to them sometimes. There was also evidence to support the allegation that the VC had no respect for the University Council.
- 1.2.24 The Committee made recommendations geared to resolving the management issues that were investigated. Recommendations were addressed to all of management of KyU and the University Council, as well as the Government of Uganda, not solely the VC who was the subject of the investigation. This meant that most of the complaints that were raised by members of staff of KyU and students against the VC were, as would be described in legal terms, most probably *vexatious and misconceived*.
- 1.2.25 As a result, the way forward with regard to the management of the University was prefaced by the following observation by the Committee:

“The problem of KyU is a malfunctioning system rooted in the history of the institution, management problems, incompetence, negative work ethic, attitudes, and character and culture coupled by (sic) inadequate funding; Many officers and staff failing to do what they are supposed to do, and working in ill-equipped and very poor working environment.”

The first VC was forced out of office but the problems at the University remained. Therefore the problem of Kyambogo University is mainly systemic.”

1.2.26 With specific regard to Prof Omolo Ndiege, the Committee concluded that he failed to build a team out of the top managers and therefore failed to get the support of most of the University officers and managers.

1.2.27 The Committee advised that the University Council *do* follow up other issues that had been drawn to their attention but which the time allotted for the inquiry did not allow the Committee to delve into, such as:

- i) Alleged failure by the Deputy Vice Chancellor (Academic Affairs) to take on assignments from the VC;
- ii) Fraud in the collection of revenues;
- iii) Neglect of infrastructure by the Estates Department even when funds were availed for its maintenance;
- iv) Ineffective supervision by the University Secretary of officers under him and failure to secure University land and other assets, including the intrusion by squatters;
- v) Fake admissions under the department of the Academic Registrar, leaking/selling of examinations and delayed results; and
- vi) Use (misuse) of the functional fees.

1.2.28 With regard to the cliques that were found to exist among members of staff at various levels, the Committee was of the view that they resulted from apathy, lack of team work, micro management, and acrimony, among others.

1.2.29 In conclusion the Ad Hoc Committee found that the VC, Prof Omolo Ndiege, made a positive contribution to the development of the University and that at the onset members of staff were willing to work with him until disagreements occurred with the VC on various matters. The Committee noted that the VC was

working in a challenging environment but he did not obtain the support that he needed to take the University forward.

1.2.30 The Committee further observed that though the many complaints levelled against the VC were not valid, ***“the strong willed character of the VC was a factor in the negative relationship between him and a big section of management.”*** As a result, he failed to realise the team work required to take the University forward. The Committee then made final recommendation to Council in order to move the University forward as follows:

- i) Council should bring to the attention of the VC his failure to realise the team work necessary to steer the University forward and task him to build a functional team within six months;
- ii) On failure to realise (a) above the VC shall be relieved of his duties in accordance with the law;
- iii) Council should facilitate the harmonious functioning of the University by reviewing its governance approach and fast tracking the establishment of governance and management instruments;
- iv) Council should address the management problems at other levels as indicated in the report.

1.2.31 During the hearing of the petitions against Prof Omolo Ndiege by the Ad Hoc Committee of KyU Council, Parliament was moved to hear the petition lodged by members of staff of KyU for prayers that:

- i) The Vice Chancellor, Prof Isaiah Omolo Ndiege, steps aside to allow investigations into the alleged mismanagement of the University and loss of funds by a competent and independent body;
- ii) Parliament urges Government to intervene and prevail over the University Council to re-open the

University to enable students (who are innocent and adversely affected by closure) to study.

- 1.2.32 The Petition which was considered by the Parliamentary Sectoral Committee on Education and Sports analysed the issues raised by the members of staff detailed in para 1.1.8.
- 1.2.33 The Parliamentary Sectoral Committee was also informed about the Ad Hoc Committee of Council which was set up to investigate mismanagement of the University by the VC. The Committee noted that the hearing by the Ad Hoc Committee seemed to be going on with some members thereof already in conflicted positions against the person of the Vice Chancellor.
- 1.2.34 The Parliamentary Sectoral Committee found that:
- i) the Vice Chancellor could not be held culpable of the allegations levelled against him;
 - ii) The problems of Kyambogo University were better perceived and addressed from a more holistic perspective than reducing them to the person of the VC as an individual.
- 1.2.35 With regard to the specific prayers made to Parliament the Committee was informed that the Vice Chancellor had been persuaded to take his accumulated leave and in a way stepped aside to allow for investigations by the Ad Hoc Committee of the University Council.
- 1.2.36 The University had also been re-opened and staff had resumed work; students were in attendance. The Committee recommended that the Ministry of Education and Sports works with the University Council, the Vice Chancellor and other top management staff to amicably resolve any issues that may affect the smooth running of the University.
- 1.2.37 The Committee also concluded that the problems of the University were beyond mismanagement by the Vice Chancellor as alleged in the petition. According to the Committee there was

“deep rooted rot” which included corruption, incompetent staff, indiscipline and poor or lack of action in disciplinary cases academic malpractice and fraud in collection of revenue, among others.

1.2.38 The Committee thus recommended that the Inspectorate of Government, Office of the Auditor General and Police CIID do carry out in-depth investigations, and in case culprits of wrong doing are found they be brought to book.

1.3 Events after Reports of the Ad Hoc Committee of KyU Council & the Parliamentary Sectoral Committee

1.3.1 The Ad Hoc Committee that was tasked to investigate allegations of mismanagement of Kyambogo University by the Vice Chancellor concluded its work and issued a report in October 2012. KyU Council met on 31st October 2012 to receive and discuss the report. The meeting was attended by 21 members of the Council.

1.3.2 The report was presented to the members present including the recommendations made with regard to further management of the standoff between the members of staff, the Council and Prof Ndiege who was then still on leave, then due to end on the 27th November 2012.

1.3.3 After the Chairperson presented the report, members of Council present decided that the issues related to the conduct of the Vice Chancellor were very sensitive and had to be dealt with ahead of issues relating to the failed service delivery in the University which could be dealt with later. According to the minutes of the Council meeting of 31st October 2012 (**Annex 6**), members laid out a litany of negative findings against the VC including the following:

- a) In its report the Ad-hoc Committee agreed that the VC intimidated, harassed and barked at people and that his leadership style was autocratic and demoralized staff.

- b) The report also revealed that the VC had little regard for the University Council and did not respect its guidance and directives.
- c) The VC compromised academic standards by arbitrarily reducing the period of supervision of fieldwork practice.
- d) The VC did not follow the procurement regulations when he procured the TV for his office and i-pad contrary to the PPDA law and regulations. That was conduct that did not benefit the position of the VC who was supposed to enforce compliance with the law.
- e) In his communication to the Education and Sports Committee of Parliament the VC wrote a dossier attacking and bedeviling all the sixteen (16) top managers of KyU. That indicated that the VC was not ready to work with Top Management and therefore made it hard to have reconciliation.
- f) The VC also made accusations about the leadership of KYUASA, KYUSASA and NUEI which worsened the impasse in the University.
- g) The VC had served Kyambogo University for a period of four (4) years and his personal character had created more enemies and obstructed any possibility of good harmonious working relations in the University. Therefore, it might not be possible for the VC to build team work in the short time of six (6) months as recommended by the Ad-hoc Committee;
- h) It was not proper to use Kyambogo University as an experimental institution for the VC to learn how to build teamwork which he had failed to do in the last four (4) years.

- i) Most staff who testified before the Ad Hoc Committee were fearful and vulnerable because they felt that if the VC returned he would be vindictive, vicious and would attempt to revenge. That was the reason why some staff tendered in their resignation.
- j) In case the VC returned, the University would go back to the impasse of staff and students striking which would lead to the closure of the University.
- k) During the previous strike which led to the closure of the University for a period of two weeks, the University had a revenue short fall of around UGX 8billion and that would affect the University for three (3) years. Council could not allow the University to go back to the same impasse.
- l) The most important stakeholders in Kyambogo University were the students. Council therefore, had to make a decision that prioritized the interests of students.
- m) The Hon Minister for Education and Sports held a meeting with students on Monday 29 October 2012 and it was agreed that the University should remain open at all costs to enable the students continue with their programmes on time.
- n) It would be important for Council to revamp the infrastructure, processes and systems of the University as soon as possible to improve the working environment.

1.3.4 The Council then resolved that the VC be removed under the provisions of section 55 of the UOTIA. Notice of the decision to remove him was communicated to the VC by letter dated 2nd November 2012 (**Annex 7**).

1.3.5 It is pertinent to note that although section 55 of UOTIA provides that the Vice Chancellor will be removed from office on

grounds of misconduct or failure to perform his duties, on the face of it, the Ad Hoc Committee of Council did not come up with sufficient evidence to prove that the VC mismanaged the University as alleged. On the contrary the Committee found that though lacking in people skills, Prof Ndiege made a positive contribution to the institution.

- 1.3.6 It was apparent from the litany of ills presented in paragraph 1.3.3 that before coming to their decision to have the VC removed Council considered many other matters that had not been considered by the Ad Hoc Committee that investigated him. These included the speculation that in the event that he returned to the University, Prof Ndiege would be “*vindictive and vicious*” and exact revenge against members of staff who testified against him. The Council also framed new charges such as the alleged loss UGX 8 billion which they said would take the University 3 years to recover, and the inevitable fact that Prof Ndiege made accusations against the staff associations before Parliament.
- 1.3.7 The Council also based its decision on speculation, which was in fact a veiled threat from the staff associations to the Chairperson and independent members of Council, that in the event that Prof Ndiege returned to the University, staff would strike and the students would join them in the strike. It was established that among the members of Council that sat in the meeting held on 31st October 2012 were several influential members of the Staff Associations that called for a strike at the joint meeting held on the 23rd August 2012, such as Bruhan Byaruhanga, Ayub Ali Bagwemu, G. W. Byarugaba Bazirake and Christie Obonyo Kyayonka. (*Refer to the list of participants attached to Annex 3.*)
- 1.3.8 Council justified its decision to have the VC removed as one in the public interest to ensure that the University remains open and that students continue having lectures. Council also stated that the decision was meant to enable the building of a cohesive management team with the capacity to jointly analyse the problems of the University and steer it to greater heights

without undermining each other, and improving the relationship between management and the University Council to fulfil its mandate and build a positive corporate image of the University.

1.3.9 Prof Ndiege protested his impending removal from office by filing an application for Judicial Review in the High Court.³ He sought for the orders of Certiorari to quash the decision of the Council to remove him from office, mandamus for the Council to comply with the recommendations of the Ad Hoc Committee, and prohibition to prevent the Council from implementing the decision to remove him.

1.3.10 In his application, Prof Ndiege complained that the decision by the University Council to have him removed was contrary to the findings and recommendations of the Ad Hoc Committee that had been put in place to investigate allegations that he mismanaged Kyambogo University. He also raised other grounds including the following:

- i) The decision of the Council to remove him from office was in bad faith because the Council was constituted by persons who complained of the alleged mismanagement of the university by the Vice Chancellor; the same persons attended a meeting held on 31st October 2012 where the decision to dismiss him was made;
- ii) The Chairman of the University Council, Prof John Okedi who presided over the meeting of the 31st October 2012 was also a member of the Ad Hoc Committee that investigated the alleged mismanagement of the University by the Vice Chancellor. He declined to sign the report of the Ad Hoc Committee because he issued a notice of intention to sue the Vice Chancellor over a publication in the press about the sale of KyU land;

³Prof Isaiah Omolo Ndiege v. Kyambogo University, Misc. Cause No. 141 of 2012

- iii) One Bruhan Byaruhanga, a member of the Council attended the meetings of the joint staff associations that took place on 23rd August and also signed the register attached to the resolution. The said Bruhan Byaruhanga was reported to have addressed a press conference on WBS TV on 31st August 2012 and 3rd September 2012 in which he declared that he would voice a minority report even if the Ad Hoc Committee exonerated the Vice Chancellor on the allegations of mismanagement of the University;
- iv) Prof Ndiege while appearing before the Ad Hoc Committee objected to the participation in the proceedings by the two people above but they declined to discontinue their participation;
- v) That the two people named above also participated in the decision to have the VC removed on the 31st October 2012, despite their conflict of interest.

1.3.11 An application for a temporary injunction to prevent his ejection from office was denied by Court. Instead on 26th November 2012, Court ordered that the University do prepare an instrument to keep him out of office until the application is disposed of. On 27th November 2012, the University Council met and resolved that Prof Ndiege do continue on leave until the application in the High Court is disposed of. The decision was communicated to him by letter dated the same day (**Annex 8**).

1.3.12 The ruling in the application for judicial review was delivered on 18th March 2013 in favour of Kyambogo University. Court found that there was no Council decision yet to remove Prof Ndiege from office and so the order to quash the decision could not be made. Court also found that because the Ad Hoc Committee was appointed by Council, Court could not compel Council to implement its own recommendations. The order to prohibit the Council from implementing its decision to have the VC removed was also not granted because the result of the Council meeting was a mere recommendation for removal, not a dismissal. Court

then urged Prof Ndiege to engage the internal disciplinary processes in the University to resolve his complaints and concerns and the order of Court that he remains on leave was vacated.

- 1.3.13 In the afternoon of the 18th March 2013, Council held a special meeting and resolved to send Prof Ndiege on forced leave for a period of 90 days until mid-July 2013. The decision was communicated to him in a letter dated 19th March 2013 (**Annex 9**). By the same letter, Prof Ndiege was informed that he would during the three months forced leave be required to appear before the Appointments Board to respond to issues raised before it.
- 1.3.14 The Inspectorate of Government then received several complaints alleging discrimination and unfair treatment against Prof Ndiege because there had already been two investigations in which he was cleared of the allegations of mismanagement of the University. Parliament had also requested the Inspectorate of Government and the Office of the Auditor General to investigate the allegations. By virtue of the powers conferred on the Inspectors General of Government under Article 230 (2) of the Constitution of Uganda and Section 14 (6) of the Inspectorate of Government Act, the IG stopped the disciplinary process by letter dated 3rd May 2013 (**Annex 10**).
- 1.3.15 The order of the IGG was ignored by Kyambogo University Council which continued in meetings with a view to holding disciplinary proceedings against Prof Ndiege. Since investigations in complaint **HQT/85/11/2012** before IG alleging conflict of interest in the proceedings for the removal of the VC from office on the part of several members of the Council had been concluded, on 8th May 2013, IG arrested seven members of staff and the University Council with a view to prosecuting them for contravening section 9 of the Anti-Corruption Act, and refusing or failing to comply with an order or direction of the Inspectorate, without reasonable excuse, contrary to section 35 (c) of the Inspectorate of Government Act.

- 1.3.16 Sometime in May 2013, Prof Ndiege filed another application for judicial review in the High Court⁴ for an order of Certiorari to quash the decision of the University Council to remove him from office, an order of mandamus directing the University to comply with the findings and recommendations of Parliament that the entire management of the University be investigated by the Office of the Auditor General and the Inspectorate of Government, as well as prohibition to prevent the University from effecting the illegal orders of the University Council to remove him from office.
- 1.3.17 The court decision in the application was handed down on 21st October 2013, after the court found, among others, that the University Council recommended the removal of Prof Ndiege from office without giving him a fair hearing. Further that the subsequent decision to keep him out of office by sending him on forced leave indefinitely was unfair, unreasonable and unjustifiable.
- 1.3.18 Court also found that keeping the Vice Chancellor on forced leave indefinitely violated provisions of sections 62 (4) and (5) and section 63 (2) of the Employment Act. Further that the attempts to remove him from office violated the provisions of section 55 of the Universities and Other Tertiary Institutions Act 2003, as amended. That the underlying intention of keeping the Vice Chancellor out of office indefinitely till his contract expires could not be allowed by the court.
- 1.3.19 Court therefore quashed the decision of the University Council to dismiss the Vice Chancellor from office, as well as the decision to keep him out of office on an indefinite forced leave. Court also directed Council to comply with the findings and recommendations of Parliament to have the entire University management investigated by the Offices of the Inspector General of Government and the Auditor General, and prohibited the University for implementing the illegal orders of the University Council to remove the VC from office.

⁴Nakawa Miscellaneous Cause No. 20 of 2013, Prof Isaiah Omolo Ndiege v. Kyambogo University

1.4 Alleged conflict of interest in the removal of Prof Ndiege from the office of Vice Chancellor

1.4.1 Following the notice of the University Council to remove Prof Omolo Ndiege from office a complaint was lodged with the Inspectorate of Government wherein it was alleged that 11 members of the Council committed breaches of the Leadership Code Act as follows:

- i) The Chairman of the University Council, Prof John Okedi who presided over the Special Council Meeting held on 31st October 2012 was also a member of the Adhoc Committee set up to investigate the allegations of mismanagement against the Vice Chancellor. He had prior to the meeting held on 31st October issued a notice of intention to sue the Vice Chancellor and therefore could not be fair in a process to remove him.
- ii) The Vice Chairman of the University Council, Eng. Dr. Samuel Kigundu who co-chaired the Special Council Meeting held on 31st October 2012 was also a member of the Adhoc Committee. He had publicly complained against the Vice Chancellor during a consultative meeting between the Council and Ministry of Education and Sports, held on 18th September 2012. He was also the Chairperson of the Appointments Board.
- iii) Mr. Bruhan Byaruhanga Mugisha was also a member of the Adhoc Committee and also attended the Joint Staff Assembly held on 23rd August 2012 where the members of the Staff Associations resolved that the Vice Chancellor steps aside; he therefore could not judge the VC fairly.
- iv) Mr. Daniel Ndawula and Mr. Wilfred Nahamya had sued the Vice Chancellor in **Civil Case No. 147 of 2012** that was before the High Court and therefore could not judge the latter fairly.

- v) Mr. Ongirianay, Dr. A W Baguwemu, Mr. Daniel Ndwula and Mr. Wilfred Nahamya attended the Joint Staff Assemblies held on 23rd August 2012 and 9th August 2012 where it was resolved that the Vice Chancellor steps aside; they therefore could not judge the latter fairly.
- vi) Mrs. Christine Obonyo Kyayonka gave evidence against the Vice Chancellor before the Ad hoc Committee. She had also earlier accused the Vice Chancellor of making unwelcome sexual advances to her, a complaint that was investigated but of which the VC was cleared. However it was known that Ms Kyayonka vowed to pursue the matter further. That in addition she had prior to this accused the Vice Chancellor of blocking her from being appointed as Academic Registrar.
- vii) Prof John Opuda-Asibo, then Deputy Vice Chancellor Academic Affairs, was a witness against the Vice Chancellor before the Ad hoc Committee where the allegations of mismanagement of KyU by the Vice Chancellor were considered. He had also prior to that received two warning letters from the Vice Chancellor; he therefore could not judge him fairly.
- viii) Dr. George Bazirake, the Dean Faculty of Science, attended the joint staff assembly of 23rd August 2012 where it was decided that the VC steps aside; he therefore could not judge the latter fairly.
- ix) Prof Fabian Nabugoomu, the Deputy Vice Chancellor, Finance and Administration, was a witness against the Vice Chancellor before the Ad Hoc Committee and could therefore could not judge the latter fairly; and finally that
- x) None of the persons above declared the apparent conflicts of interest during the Council Meeting held on 31st October 2012 in which they recommended the removal of the Vice Chancellor from office.

1.4.2 Apart from the complaint received regarding breaches of the Leadership Code Act, Parliament also recommended that the Inspectorate do investigate these allegations of conflict of interest because they featured in Prof Nidege's response to the petition against him before Parliament.

1.4.3 The Leadership Code Act was consequentially amended in 2009 by removing section 8 and 9 and re-enacting them as section 9 of the Anti-Corruption Act. Therefore while the Leadership Code Act provided for rules to prevent persons from acting in conflict of interest, which constituted a breach of the Code of Conduct that could result in the dismissal of the offending leader, shifting of breach of the rules to the Anti-Corruption Act had the effect of making conflict of interest a criminal offence.

1.4.4 Section 9 (1) of the Anti-Corruption Act provides that,

“An employee, or a member of a public body, public company or public undertaking who, in the course of his or her official duties, deals with a matter in which he or she or his or her immediate family has a direct or indirect interest or is in a position to influence the matter directly or indirectly and he or she knowingly, fails to disclose the nature of that interest and votes or participates in the proceedings of that body, company or undertaking, commits an offence and is liable on conviction to a term of imprisonment not exceeding twelve years or a fine not exceeding five thousand currency points or both.”

1.4.5 Section 9 (2) goes on to define situations in which conflict of interest shall arise and it includes instances where the person referred to in subsection (1) deals with a matter in which he or she has personal interest and where he or she is in a position to influence the matter directly or indirectly, in the course of his or her official duties; and/or where he/she participates in deliberations of a public body, board, council, commission, committee of which he/she is a member at any meeting at which any matter in which he or she has a personal interest is to be

discussed. The offence is constituted where such a person fails to disclose his/her interest in the matter being discussed.

1.4.6 Investigations were therefore conducted to establish whether the persons named indeed acted in conflict of interest when they participated in the Council meeting that resolved to have Prof Ndiege removed from office. The following were interviewed by the IG investigation team:

- i) Prof. John Okedi, Chairperson, Kyambogo University Council;
- ii) Mr. Samuel Eridadi Kigundu, Vice Chairperson, Kyambogo University Council;
- iii) Prof. Isiah Omolo Ndiege, former Vice Chancellor, Kyambogo University;
- iv) Prof. Dr. Opuda Asibo, former Deputy Vice Chancellor;
- v) Prof. Fabian Nabugoomu, Deputy Vice Chancellor, Finance and Administration;
- vi) Mr. Sam S. Akorimo, University Secretary, Kyambogo University;
- vii) Ms. Christine Obonyo Kyayonka, former Deputy Registrar Admissions;
- viii) Dr. Baguwemu Ali, Senior Lecturer;
- ix) Dr. Byarugaba Bazirake G.W, Dean Faculty of Science;
- x) Mr. Ongiriany John Micheal, Chief Custodian, Kyambogo University;
- xi) Mr. Byaruhanga Bruhan Mugisha, Council Member representing Kyambogo institutions;
- xii) Dr. Nahamya Karukuza Wilfred, lecturer;
- xiii) Mr. Ndawula Daniel, lecturer;
- xiv) Prof. David Osiru- Former Council member;
- xv) Mr. Enjiku Ben, Senior Lecturer.

1.4.7 It was found that Prof John Okedi, the Chairperson of Kyambogo University Council presided over the Council Meeting held on 31st October 2012. He had previously issued a notice of intention to sue Prof Ndiege alleging that Prof Ndiege's testimony before the Parliamentary Sectoral Committee on Education and Sports when the petition against him by members of staff of KyU was considered included defamatory

statements against him. The notice of intention to sue which was dated 13th September 2012 (**Annex 11**) included that Prof Okedi would demand for damages of UGX 500m for the alleged defamation, and costs of the suit amounting to UGX 25m.

- 1.4.8 Prof Okedi admitted having instructed his lawyers, M/s Aogon, Muhendo & Co Advocates, to issue the notice of intention to sue Prof Ndiege. By taking matters to this level, Prof Okedi had personalised the issues of the alleged mismanagement of the University against Prof Ndiege because the proposed civil suit was to be a matter between the two individuals.
- 1.4.9 It is pertinent to note that section 13 of the Parliament (Powers and Privileges) Act provides that every person summoned to give evidence before Parliament or a committee of Parliament shall be entitled, in respect of the evidence or disclosure, to the same right or privilege as before a court of law. The declared intention to bring a suit for defamation owing to Prof Ndiege's testimony before the Parliamentary Committee showed that Prof Okedi was highly vindictive and misguided.
- 1.4.10 The notice to sue was issued on 13th September 2012 and the dispute was still active between Profs Okedi and Ndiege. It therefore followed that Prof Okedi could not be expected to be impartial while chairing the Council Meeting held on 31st October 2012 that decided that Prof Ndiege be removed from office.
- 1.4.11 Prof Okedi ought to have declared his sentiments by stating that he was involved in a personal legal dispute with Prof Ndiege and excused himself from deliberating in matters about his possible removal from office. By continuing to chair the meeting and deliberating upon the removal of Prof Ndiege from office without declaring the dispute, he appeared to have acted in conflict of interest and so violated section 9 of the Anti-Corruption Act.

- 1.4.12 Mr. Daniel Ndawula was a defendant in High Court Civil Suit No 147 of 2012⁵. The suit which was filed in May 2012 sought to resolve matters of leadership of one of the Kyambogo University Staff Associations. In the suit the defendants filed a counterclaim against the plaintiffs and added Prof Ndiege as a defendant to the counterclaim in which they sought for declaratory orders and general damages for, among others, mental anguish and psychological torture caused to them by the defendants to the counterclaim. Although Mr Ndaula argued that it was not he that included Prof Ndiege as one of the defendants to the counter claim, he knew about the existence of the suit and participated in instructing the lawyers as a member of the executive committee of the Staff Association.
- 1.4.13 At the time of the meeting of 31st October 2012, the suit was still in court. There was therefore an active conflict between Mr Ndaula and Prof Ndiege in which there was a claim for general damages and declarations to stop Prof Ndiege from alleged interference in the affairs of the Staff Association. As an individual in an apparent public conflict with Prof Ndiege, Mr Ndaula could not properly and fairly participate in a meeting where Prof Ndiege's eviction from office was to be determined.
- 1.4.14 Mr Ndaula appeared to have a personal interest contrary to the actions of Prof Ndiege while in office as VC. He also was in a position to influence the decision in favour of the staff associations which he represented in the suit. Indeed one of the reasons that was finally advanced in support of the decision to remove the VC at the 31st October 2012 meeting was that he made accusations against the leadership of KYUASA, KYUSASA and NUIE which worsened the impasse between staff members and management. Mr Ndaula ought to have declared his involvement in a legal dispute with Prof Ndiege, which he did not. He therefore appeared to have contravened section 9 of the Anti-Corruption Act

⁵Victor Lacoro & Enjiku D. D. Ben v. Edith Mbabazi and 9 Others.

- 1.4.15 Dr. Wilfred Nahamya Winfred was together with Mr Ndaula a plaintiff in HCCS 147 of 2012; he sought similar orders against Prof Ndiege in the counterclaim that was filed by all the defendants in the suit. He knew about the suit and the orders sought against Prof Ndiege but argued that the suit was finally dismissed. That the suit was finally dismissed was immaterial; it was an active dispute between Dr Nahamya and Prof Ndiege at the time that the meeting that determined that the latter should be removed from office was held on 31st October 2012 because it was still pending in court. It was only withdrawn on 7th November 2012. Dr Nahamya ought to have declared that he was engaged in a court battle with Prof Ndiege. He too appeared to have violated section 9 of the Anti-Corruption Act.
- 1.4.16 Mrs. Christine Obonyo Kyayonka made accusations of sexual harassment against Prof Ndiege said to have occurred when they attended a meeting in Jinja. The allegations were investigated on authority of the Council and a report was submitted by Prof D. S. O. Osiru (Council member) to the Chairperson of the University Council in April 2012 (**Annex 12**). Because the investigations found no evidence to indict Prof Ndiege, by letter to the Chairman of the Council dated 27th April 2012 (**Annex 13**) Mrs Kyayonka stated that she would continue to seek redress in the matter from “*an appropriate objective authority.*”
- 1.4.17 Mrs Kyayonka’s allegations against Prof Ndiege were no doubt of a very personal nature involving her deep emotions. She therefore could not be objective while sitting in a meeting to decide the fate of the man she had earlier accused of sexual harassment. Therefore, during the Council Meeting held on 31st October 2012, Mrs Kyayonka ought to have declared her previous unresolved personal conflict with Prof Ndiege and abstained from participating in the deliberations about his removal from office.
- 1.4.18 The Minutes of the meeting of 31st October 2012 clearly showed that the persons identified above did not disclose their personal grievances against Prof Ndiege. The recommendations of the Ad

Hoc Committee to allow the VC to remain in office for 6 months and make an effort to build a team was deliberated upon and the 4 persons above participated in the deliberations.

- 1.4.19 The minutes of the meeting, starting with the remarks of the Chairperson of the Council, showed that the VC had no chance of surviving these deliberations. The atmosphere was already charged and set for his removal from office. Prof Okedi, the Chairperson stated that the closure of the University was brought about by demands by the two staff associations and the Union to have the VC step aside to facilitate an investigation into the alleged mismanagement of the University. That the VC declined to step aside and so was requested to take leave. One could not wonder at the result of the deliberations; against the reasoned recommendations of the Ad Hoc Committee to the Council, the members of Council present at the meeting voted to remove the VC from office.
- 1.4.20 The Inspectorate of Government instituted prosecution of Prof Okedi, Mrs Christine Obonyo Kyayonka, Dr. Wilfred Nahamya and Daniel Ndaula on charges of conflict of interest in **HCT-00AC-SC-59/2013** in the Anti-Corruption Court at Kololo. However, the prosecution was stopped by an order of the Constitutional Court when the accused persons filed a Petition⁶ in which they alleged that their rights were violated by the arrest and prosecution while they were in the process of effecting disciplinary proceedings over the VC.
- 1.4.21 An order was granted in Miscellaneous Application No. 27 of 2013 stopping the prosecution of the matter in the Anti-Corruption Court until disposal of the constitutional petition (**Annex 14**). The matter which was filed against the Attorney General is still pending disposal; so is the prosecution of the persons charged with conflict of interest.
- 1.4.22 After the High Court quashed the decision of the University Council to remove Prof Ndiege from Office in its ruling delivered

⁶Kyambogo University, Professor John Okedi and 7 Others vrs the Attorney General, Constitutional Petition No. 27 of 2013

on 21st October 2012, there was still resistance from members of the Council. They issued notice to appeal against the decision to the Court of Appeal. An application for an interim order to stay execution of the orders of the High Court was filed in the same court and heard by a single Justice of that court.⁷ On the 6th November 2013, the application was dismissed with costs because the court found that it was an abuse of court process and filed in bad faith to defeat the orders of the High Court.⁸

- 1.4.23 Prof Omolo Ndiege returned to office on the 29th October 2013. The staff associations continued to defy the court order quashing the decision to remove him. They again went on strike to protest the decision of court that the Vice Chancellor returns to office. The staff associations also defied a directive of Cabinet through the Minister of Education that they return to work lest they are dismissed from service.
- 1.4.24 Finally, facilitated by mediation by the Minister in Charge of Higher Education, Dr C. Muyingo, Prof Ndiege returned to office and served till the expiry of his contract on 12th January 2014. His efforts to apply for re-appointment for another term were unsuccessful probably due to the sour relationship between him and the University Council, which by law includes members of the staff associations that agitated for his removal from office.
- 1.4.25 This resulted in another application for judicial review which is still pending hearing before the High Court⁹. Because of the pendency of this application, the search for a new Vice Chancellor was stopped by Court in an application for an injunction which was granted on 19th December 2014. As a result, Kyambogo University continues to operate with an Acting Vice Chancellor in office, pending the conclusion of the matter.

⁷Kyambogo University v. Prof Isaiah Omolo Ndiege, C/A Civil Application No. 341 of 2013

⁸ More details about the decision of the court at page 94-95

⁹ Prof Isaiah Omolo Ndiege v. Kyambogo University, Nakawa High Court Misc. Application No 76 of 2014

1.4.26 The removal of Prof Ndiege from office has not brought much satisfaction to the staff of KyU about their leadership. The Inspectorate of Government received a new wave of complaints about the administration under Prof Eli Katunguka, current Ag Vice Chancellor, including the following:

- i) Alleged academic malpractice by alteration of marks, and withholding of marks to frustrate graduation of students;
- ii) Alleged misuse of funds and failure to place students in schools and industries due to absence of funds for supervision;
- iii) Failure to pay NSSF contributions due to misuse of funds;
- iv) The Ag VC is self-centred, self-serving, selfish and involved in insidious institutional politics; he misappropriated huge amounts of money while he was the dean of the Faculty of Agriculture in Makerere;
- v) Alleged intimidation, influence peddling, abuse of office, fraud, corruption by Prof Katunguka and Dr Kiiza James;
- vi) Further complaint about irregular appointments and promotions at Kyambogo University;
- vii) Failure to stop fraud in the collection of tuition and other fees by corrupt University officials;
- viii) Failure to stop the massive leakage of Grade III and Primary Teachers examinations;
- ix) Failure to facilitate lecturers to supervise school practice leading to falsifying of marks.

- 1.4.27 The Inspectorate of Government did not investigate any of the grievances in this new wave of complaints because they all set out to attack the Acting Vice Chancellor as a person. Most of them included attempts to assassinate his character with descriptions such as *“Professor Eli Katunguka is a fighting character, fraud-minded, self-centred, selfish, arrogant, a dictator and with little respect for the law...”* He was also accused of *“always being involved in insidious institutional politics, infighting and power struggles,”* *“maligning others and practicing a hands off, eyes off management style.”*
- 1.4.28 It is clear from the complaints above, all generated within Prof Katunguka’s first year in office as Ag Vice Chancellor, that the wheel is about to go full circle, again. Further discontent may result in revolt/strikes against Prof Katunguka without an examination of the institutional weaknesses that have resulted in the symptoms that are being observed in the institution.

1.5 Organisational Culture of Kyambogo University

- 1.5.1 From an organisational standpoint, culture is the set of shared values, goals and practices that give meaning to a group or organisation. Some describe it as the personality of the organisation. Organisational culture is created from the overlapping values of individuals and leaders within the organisation. It can be positive or negative depending upon what is being demonstrated or communicated within the organisation.
- 1.5.2 Positive organisational culture incorporates member or employee wellbeing as well as organisational success into the overall picture. It results into successful outcomes for everyone involved. When an organisation’s culture is not functional, purposeful or successful, it is sometimes defined as toxic culture – a culture that is lethal for the wellbeing of its members as well as the overall success of the organisation. Signs of a toxic culture include rampant gossip and/or rumours, a mentality of ‘Us vs. Them’; retaining poor talent, double standards for leadership and inconsistency.

1.5.3 Right from inception, the community at KyU developed a toxic culture that is best exemplified by a mentality of 'Us vs Them.' The atmosphere is always emotionally charged with staff mistrusting the leaders and seeking to protect their jobs. There is a constant battle for the limited resources, with staff members preferring to meet their own needs at the expense of development of the institution and delivery of the needs of students. This has been the cause of the numerous strikes staged by staff in the institution. All Vice Chancellors have been subjected to blame for the shortcomings of the institution.

1.5.4 There has been limited or no real effort made to address the structural or systemic problems that are manifested by the absence of real institutional growth, though there is a large number of studies and investigations that have been carried out by consultants to try and resolve issues thought to bedevil the institution. Prof Kagonyera may have been right when he stated that Kyambogo has failed to become a university; what needs to be done now is to identify solutions that may lead to its growth into one.

2.0 IG Investigations into the alleged corruption and mismanagement at KyU

2.0.1 As recommended by Parliament, the Inspectorate of Government carried out in-depth investigations into the offices of the Vice Chancellor, the Academic Registrar, the Procurement and Disposal Unit, Estates Department, University Secretary and the Director of Human Resources, among others. The investigation were carried out in the years 2013, 2014 and 2015 and the findings are contained in four reports under the heads of Procurement, Human Resources, and Financial and other resources of the University (2 Volumes).

2.1 Summary of Findings

2.1.1 The primary role of an Accounting Officer is to control and be personally accountable to Parliament for the regularity and

propriety for all resources wholly funded through the Consolidated Fund. The responsibility includes oversight of the procurement function of the institution under the PPDA Act. However, the IG investigation found that the Accounting Officer of KYU did not have a grip on the moveable assets under his care. The casual and hands-off attitude with which KYU assets were managed opened the door wide open for mismanagement, premature write offs and damage and loss of the property.

- 2.1.2 Clearly, the KyU Accounting Officer failed to carry out his function of ensuring proper planning of the disposal of assets of KYU. He also failed to properly supervise the process of boarding off and disposal of assets in 2011 leading to the sale of a tractor that was not registered in the name of KYU. It is also apparent that the Assets Register is not properly maintained and some assets/vehicles cannot be accounted for while others lie idle and abandoned being subjected to abuse by the wholesale removal of parts by vandals
- 2.1.3 The findings regarding other aspects of management of finances and other resources painted a picture of a University faced with a crisis of confidence. Many of the major players in the administration of KyU appear to have believed that KyU was in a state of free fall and therefore decided to grab whatever KyU resources they laid their hands on. It did not matter whether an item was big or small, it was misappropriated anyway. Those who were expected to manage the resources and provide the necessary controls were also involved in the mismanagement and abuse of resources.
- 2.1.4 Examples of this cross-cutting phenomenon were many; it was established that some contractors were paid for work not done; top leadership manipulated foreign travel for personal gain, money advanced to conduct some activities was not accounted for; salary and allowances were arbitrarily increased without regard to the resource envelop; a vigilant Vice Chancellor overrode the powers of the accounting officer but was unsuccessful in stemming the mismanagement of the

resources; the acting allowance was manipulated by leaders to enhance their total pay; fuel cards were irregularly allocated to staff and their use abused by purchase of groceries. University land was fraudulently allocated to private individuals under mysterious circumstances.

- 2.1.5 The findings in the second report on mismanagement of resources presented a vivid but sad picture of the KyU Accounting Officer's poor management skills. It was a tale of a leader who failed to take the appropriate action when standards across the entire KyU administrative structure were not met and this sent the message that the standards were not important or relevant; the University Secretary failed to display strength, integrity and a sense of fair play in the management of University affairs. As a consequence, everyone who had access to the institution's resources took liberties and helped themselves to what they could find.
- 2.1.6 Examples in the 2nd report are legion: Lecturers seeking to scrounge up the extra penny sublet their official residences to students at a fee in violation of the tenancy agreements; out of sympathy the University Secretary authorised a refund of expenses in respect of unauthorised renovations to a house irregularly allocated to a member of staff; various KyU assets were let out but rents not collected from tenants; occupants of KyU houses who had left service did not vacate them and little effort was made to evict them; the KyU farm was grossly mismanaged and understocked and no effort was made to rid it of squatters; KyU Mechanical Workshops were managed by casual workers who opened them up for public use at no cost and run the equipment down to the detriment of student education.
- 2.1.7 The human resources of the University were also mismanaged. The Director Human Resource usurped the powers of the Appointments Board when he appointed several members of staff without the authority to do so. The Director Human Resource also erred when he proceeded to appoint six members of staff as Senior Accounts Assistants without satisfying himself

about the authenticity of the minutes referred to by the Vice Chancellor and also while aware they lacked the minimum requirements for appointment to the position of Senior Accounts Assistant. Some members of staff were transferred to positions that did not exist and for which they did not have the requisite qualifications.

2.1.8 Other top managers also appeared to be incompetent when they failed to carry out their duties satisfactorily. For instance, the Academic Registrar failed to ensure the proper registration of students and up to the date of the IG investigations, the University did not have proper records about registered students. She also failed to ensure the timely delivery of results to facilitate arrangements for a graduation ceremony. Many students attended lectures and sat for exams without being admitted and registered according to the University Regulations resulting in the colossal loss of funds, named by the Auditor General as amounting to UGX 532,825,000/= registration fees for FY 2009/2010, 2010/2011 and 2011/2012, and UGX 8,928,814,082/= as functional fees for the three financial years.¹⁰ The investigation into the fraudulent collection of tuition fees and the irregular admission of students into the University was still going on by the time of this report.

2.1.9 The situation in the office of the Dean of Students was not any better. She failed to take care of the welfare of the students when she did not facilitate the development of suitable policies and procedures by Council to manage the allocation of accommodation in the Halls of residence. There was some evidence that students not entitled to accommodation paid monies informally and were allocated rooms leading to loss of revenue by the University. Students not entitled to meals continued to access them by securing forged meal cards. Pilfering of raw food from the University kitchens continued unabated. Sanitary facilities were not maintained in as hygienic a manner as would be expected in such an institution. The

¹⁰Special Investigation Report by the Auditor General on the Operations of Kyambogo University, July 2014

failure to take care of the student welfare needs led to a number of strikes that were only quelled by police action.

2.1.10 The underlying unethical and negligent behaviour of the leaders largely fomented bitterness in a huge section of the KyU community and precipitated unrest and revolt against all forms of governance in the institution. But as if to distance themselves from the apparent widespread mismanagement of the institution, for which almost all top and senior managers were responsible, the body of staff chose to make the Vice Chancellor, then Professor Isaiah Omolo Ndiege, the scapegoat. They charged that he had single handedly mismanaged the University and proceeded to have him removed as is described in sections 1.2, 1.3 and 1.4 above.

2.1.11 The in-depth investigation by the Inspectorate of Government proved that the current state of KyU is not about mismanagement by a single individual. Neither is it solely about corruption among the members of staff or the top managers of the institution. Although IG identified corruption in the collection of tuition fees and the admission of students, which are still under investigation, the issues that have to be addressed in order to bring about a healthier and more productive institution seem to concern the systems that are in place for the management of the institution.

2.1.12 IG therefore set out to carry out a preliminary analysis of the governance structures of KyU. The analysis was based on the large body of information received during the in-depth investigations from the following sources:

- ix) Interviews with staff and members of the University Council;
- x) Reports from the various studies carried out about KyU in the past;
- xi) Reports of the University Council and its Committees;
- xii) Minutes of the University Council and its Committees;
- xiii) Policy Documents of KyU;
- xiv) Regulations of staff and students of KyU;

- xv) Newspaper Reports;
- xvi) Laws and Regulations that regulate public universities and the civil service in Uganda

2.1.13 The IG investigation team also interviewed the following stakeholders from public universities and the Ministry of Education and Sports:

- i) Dr. Chrysestom Muyingo, immediate past Minister of State for Higher Education;
- ii) Professor Mondo Kagonyera, immediate past Chancellor, Makerere University;
- iii) Professor Venansius Baryamureeba, past Vice Chancellor, Makerere University;
- iv) Professor Dumba Ssentamu, Vice Chancellor, Makerere University;
- v) Professor Eli Katunguka, Ag Vice Chancellor, Kyambogo University;
- vi) Professor Fabian Nabugoomu; Deputy Vice Chancellor, Kyambogo University;
- vii) Professor Isaiah Omolo Ndiege, past Vice Chancellor, Kyambogo University.

3.0 Governance of KyU as a Public Tertiary Institution

3.1 Structures and offices responsible for governance

3.1.1 The structures for governing public universities are set out in the Universities and Other Tertiary Institutions Act, under which Kyambogo University was established. The Act provides for the following organs and offices for the governance of a public university:

- | | |
|-------------------------|-------------------------------|
| i) University Council | vii) University Librarian |
| ii) Senate | viii) University Bursar |
| iii) Chancellor | ix) Dean of Students |
| iv) Vice Chancellor | x) Appointments Board |
| v) University Secretary | xi) University Staff Tribunal |
| vi) Academic Registrar | |

xii) Staff Associations

xiii) Students Association

- 3.1.2 The Act provides for other offices designated as deans, directors and heads of departments. The University Council may put in place committees to exercise some of its functions, apart from those named by the Act such as the Appointments Board.
- 3.1.3 The majority of respondents interviewed by the IG team drawn from academia were of the view that the problems of KyU stem from the manner in which it was formed by amalgamating three institutions that each had its own mission, values and goals into one without carefully planning and providing financial and administrative leadership and facilities for the establishment and management of a Public University. IG therefore sought some views about effects of the merger on the development of the institution.

3.2 The merger of UPK, ITEK and UNISE

- 3.2.1 In an article published by the New Vision on the 30th October 2013¹¹, Prof A. B. K. Kasozi, former Executive Director of the National Council for Higher Education stated that KyU failed to integrate into a consolidated institution for three main reasons. First, each of the three institutions from which it was constituted had its own vision and social niche that could not be easily accommodated or absorbed by another. The new University therefore failed to refine and consolidate a shared vision and mission to bind the three units into an institution with a common purpose.
- 3.2.2 Prof Kasozi further stated that none of the three institutions could appropriately follow its former mission since the merger meant the death of each of the three institutions when they were consolidated into one institution. Finally, each of the three institutions lost its former niche in the market while the new institution did not have the internal strength and capacity to focus on any one of the services that the three institutions were originally famous for; i.e. the production of high level

¹¹Merging Kyambogo University was a Mistake, New Vision New Paper, 30th October 2013

technicians, specialist in special education and good lower secondary teachers.

- 3.2.3 Prof Venansius Baryamureeba, former VC of Makerere University agreed. He stated that the merger of the three institutions brought together into one institutions an academic staff with different levels of qualifications in a single spine salary structure with the same job titles e.g. lecturers had PHDs, Masters Degrees, Bachelor's Degrees, Higher Diplomas, Diplomas and Certificates. The focus of study areas in the different departments differed as some were technical while others were now theoretical.
- 3.2.4 It was also Prof Baryamureeba's view that the merger had the unfortunate effect of suffocating technical skills cadre the three institutions were producing, some of whom became tutors of technical and polytechnic institutions country wide that provide practical courses. These institutions now depend on academic degree holders from Universities who have no practical skills. This has resulted in the low quality in vocational studies output due to the staff gaps created. As an offshoot of this, some of the academic staff who could not be absorbed by the new University were phased out as their level of skill and knowledge could not be accommodated, not even as teaching assistants.
- 3.2.5 According to Dr Chrysestom Muyingo, the biggest problem was that Government did not carry out studies of the three institutions before the merger. He agreed that the three institutions had different cultures and set ups. UNISE had the most tutors with low academic qualifications (mostly certificate/diploma holders) and they felt undermined by the others with higher qualifications. On the other hand UPK had staff with degrees, diplomas and certificate holders. They also had practical hands on staff giving excellent vocational training. UPK staff also felt the degree holders in the new University undermined them because in the academic world research publications are the ones that give weight and this requires PhD and Master's degree holders which are the required qualification for University lecturers.

- 3.2.6 Dr. Muyingo also pointed out that the higher academic qualifications required in Universities are the ones that attract funding to these institutions and Kyambogo lacks them. He added that the sudden creation of the University also caused excitement and generated high expectations among staff who expected higher pay yet resources that were originally allotted to the three institutes were the same that Government provided for the new University.
- 3.2.7 According to Prof Ddumba Sentamu, since Universities are graded by published research usually by PhD holders among other things, there was no meaningful research being conducted at KyU. As the higher degree level cadre increased there were attempts to remove the ITEK, UPK and UNISE cadre as recommended by the Validation Report of May 2008¹². This report recommended different categories of staff for retention, demotion, retirement and discontinuation from service. This culminated into rifts with administrators that sucked in students who went on continuous strikes.
- 3.2.8 Prof Omolo Ndiege was of the view that the merger of UPK, UNISE and ITEK was the best thing that happened to Uganda because it was based on the Kajubi Report of 1989. The merger had the aim of implementing vocationalisation of education and was based on a good model which seems to have been abandoned. The model is similar to those that have been employed in Germany, South Africa, Norway, Israel, and Kenya. He pointed out that while the model had registered success in Europe, the South African and Kenyan initiatives registered problems similar to KyU.
- 3.2.9 Prof Ndiege confirmed that the situation of academic staff at KyU had not improved much since the merger of the three institutions. The quality of staff graduating with PhDs cannot generate knowledge through meaningful research. KyU is not listed in the Google Scholar Index and the University cannot be

¹²Report on the Validation of Academic and Technical Staff of Kyambogo University, Education Service Commission, 2008.

ranked internationally. The mentality of the majority of academic staff has not changed; many who have made their way up from tutors in UPK, ITEK and UNISE are still embroiled in wrangles connected with preservation of their jobs. There are allegations that a good number have qualifications that were fraudulently obtained in order for them to keep their posts at KyU.¹³

- 3.2.10 In a statement to IG about the challenges of managing KyU, the current Acting VC, Prof Eli Katunguka, acknowledged the fact that KyU has very low academic staffing levels, with the lowest compared to the student population. He revealed that out of 846 established positions, only 353 were filled. That the establishment (of 846) positions was anticipated to cover the student population in 2004, which has since doubled.
- 3.2.11 In the Ministerial Policy Statement presented to Parliament for the 2014/2015 budget for KyU, it was stated that the current staffing levels are still very low as reflected in the table below:

| TYPE OF STAFFING | Establishment | Filled | Vacant | Percent (%) |
|-------------------------|----------------------|---------------|---------------|--------------------|
| NON TEACHING | 1,278 | 603 | 675 | 47 |
| TEACHING | 1,073 | 391 | 682 | 36 |
| GRAND TOTAL | 2,351 | 994 | 1,357 | 42 |

- 3.2.12 It is therefore the current situation at KyU that only 36% of the posts for teaching staff are filled. KyU depends on a force of 700 part time lecturers in order to provide instruction for the courses it offers. The continued employment of part-time lecturers means that part of the teaching staff are not committed to achieving the goals and targets set by the University. Academic staff is not involved in serious research

¹³The Inspectorate of Government received several complaints about members of staff said to be holding fraudulent qualifications and others that were said not to have the capacity to teach University Students. It was not possible to go into a process of verification of all degrees. KYU should undertake an internal process of verification through NCHE.

projects, which is detrimental to the development of the knowledge base of the University.

- 3.2.13 It was established that attempts have been made through the Ministry of Education and Sports, Ministry of Finance, Planning and Economic Development and the Ministry of Public Service to increase numbers of academic staff, especially in Science, Engineering and Education, but to no avail. The NCHE came up with recommended ratios of faculty to students of 1:15 in Arts subjects, and a higher ratio of 1:50 in sciences but Kyambogo University operates at the ratio of over 1:50 overall.
- 3.2.14 It was established that the academic staff is very heavy at the lower levels and there are no full professors. Senior lecturers are few and despite having put promotion criteria in place, there are no applicants for promotion to these positions which are meant to provide academic leadership. It was established that by May 2015 out of the 348 positions that were filled, there were 15 Associate Professors (including 4 visiting Koreans) 37 Senior Lecturers, 203 lecturers and 93 Assistant Lecturers.
- 3.2.15 The IG investigation also established that the absence of academic staff with the necessary qualifications has resulted into an absence of substantive deans for faculties and heads of departments. Efforts to source for substantive heads for all departments and faculties in 2013 were not entirely successful because of the limited numbers of qualified staff members.
- 3.2.16 According to Prof Ndiege, KyU academic staff are the highest paid among public university employees. In 2011/12, the salaries were reviewed and harmonised with Makerere University scales and a top-up allowance of (UGX 200,000 to 2,200,000), based on salary scales to motivate staff was introduced. In addition, teaching staff are paid UGX 3,000-5,000 per hour for teaching an extra loan of above 8 hours per week during the day or evening classes. KyU also has the highest rate of headship allowance for administrative staff.

- 3.2.17 Prof Eli Katunguka, stated that because of the negotiated teaching load of 10 hours per week, full time lecturers sell the rest of the hours to the University at part time rates which are higher compared to the full day teaching. The allocation of teaching hours is done at the department level and it may be true that in some cases the University is paying for more hours than delivered. Admittedly, the management of part-time lecturers is a challenge to the administrators. The fact that full time lecturers also operate as part time lecturers makes the management more complicated when it comes to remuneration and allowances payable, because of conflicts of interest.
- 3.2.18 IG investigations of the human resource function at KyU established that though KyU purchased a biometric access system to track hours that staff members attend to their duties at the University, use of the system has been rejected and it lies idle. The system was found to have some technical faults that could have been rectified and it could be used to establish when members of staff come to work and how long they stay at work stations. Some Lecturers stated that they were opposed to the use of the biometric access system because their performance was not based on time spent at work but on the number of hours taught. They further stated that considering the environment in which lecturers work, the biometric system would not add any value. The absence of information about hours taught could be a contributing factor to the payment for hours not delivered by the academic staff.
- 3.2.19 The Daily Monitor Newspaper published comments by Prof Mondo Kagonyera, immediate past Chancellor of Makerere University, in a headline story that caused a debate about the future of Kyambogo University as a public University.¹⁴ According to Prof Kagonyera,

“Kyambogo University which is an institution that should be producing teachers and technicians has failed to be a University. They should revert to what they were meant to be in the past.”

¹⁴“Strip Kyambogo of its status – Makerere boss”, Daily Monitor Friday March 27th, 2015

- 3.2.20 The Acting Vice Chancellor, Prof Eli Katunguka did not agree with the comments made by Prof Kagonyera. He was of the view that the University is on the right track and should not be derailed by needless criticism. He argued that the University has weathered many challenges, such as insufficient infrastructure that cannot match the increasing numbers of students. He also stated that with the new funding that has been identified for the institution, infrastructure will be developed to meet the increasing numbers and policies, with which the University could not survive, will be put in place to meet the needs of a developing institution.
- 3.2.21 In a brief about challenges of managing KyU, Prof Katunguka stated that the University Council passed several policies in the last financial year which should improve the management of the University. He cited the human resource manual, financial management policy, research and innovations policy, ICT policy, records information management policy, quality assurance policy, disability and gender mainstreaming policies.
- 3.2.22 The IG investigation team requested Prof Kagonyera to substantiate his statement published in the Monitor newspaper. In an interview with the investigation team, Prof Kagonyera stated that there is a gap between industry and education institutions resulting in the latter's failure to satisfy the demands of the former. Thousands of graduates leave university in various fields every year yet they cannot fit into the job market because they carry theoretical not practical qualifications. It was the view of Prof Kagonyera that,

“Government misunderstands the role universities play which is to impart knowledge (in most cases theoretical) as a primary objective even though there are professional courses like medicine which have industrial training to impart particular practical skills/knowledge to be able to do particular jobs. It is technical institutions not Universities that have the primary objective of giving the practical knowledge for the much needed cottage

industries and self-employment that Government should focus on, not creating new Universities.”

- 3.2.23 Prof Kagonyera further stated that training the world over produces a pyramid shaped workforce, e.g. one engineer supervises over 50 technical workers with specialist knowledge on a kilometre of road; in Uganda it appears government wants the reverse which is not the best policy to follow. He emphasised that there is need for more training institutions that give specific practical skills of interest to individuals instead of the diverse theoretical knowledge provided by Universities. This would go a long way in providing the needs of the cottage industries or be a basis for self-employment like in the United States of America and India where cottage industry is the driving force of development.
- 3.2.24 Prof Kagonyera went on to state that research has shown that persons of certificate/diploma qualifications are the self-employed. It would therefore have made much more sense to strengthen technical institutions at Kyambogo than creating a university with different teaching cadre at certificate and diploma levels who felt that they too had to become lecturers in the University, yet such positions call for a Master’s Degree with a good Bachelor’s degree as a background.
- 3.2.25 The IG investigation established that KyU has the following workshops for imparting practical skills:
- i) Department of Mechanical and Production Engineering: six (6) workshops and five (5) laboratories;
 - ii) Department of Civil and Building Engineering: four (4) workshops and three (3) laboratories;
 - iii) Department of Electrical and Electronic Engineering: one (1) workshop and five (5) laboratories;
 - iv) Department of Land and Architectural Studies: one store for surveying equipment.

3.2.26 The IG investigation also established the following weaknesses and shortcomings in the management of the mechanical workshops:

- i) All mechanical workshops at KyU were running without managers. The heads of academic departments had limited involvement in their management;
- ii) Technicians employed by KyU to help students to use the machines were limited in number and recourse was had to casual employees who also used the equipment for their private work and earned undisclosed incomes from the workshops. There was no known criterion for recruitment of the casual technicians employed in the workshops;
- iii) Although there were some collections made from charges upon jobs carried out by private technicians, there was no proper system for collection of funds; most of the charges on jobs done for outsiders were not collected. Most of the small amounts collected were not banked in the University account;
- iv) The machines seem to be dilapidated and need a lot of repairs, but there is no centralised system for carrying out repairs. Heads of Departments and Technicians carry out repairs undisclosed to the University Secretary and pay for them out of proceeds collected from use by outsiders;
- v) The practice of employing technicians on a casual/temporary basis leaves the valuable equipment at risk. It also compromises the delivery of skills to students;
- vi) The equipment in the mechanical workshops uses large amounts of electricity paid for by the University. Outsiders benefit from the limited resources of KyU to earn an undeserved income at the expense of KyU and development of the workshops and other infrastructure;

vii) Although an Ad hoc Committee had been appointed to look into and streamline the management of the workshops in October 2013, by the time this investigation took place the Committee had identified the problems but nothing had been done to solve them.

3.2.27 The shortcomings identified in the management of the mechanical workshops coupled with the insufficient numbers of faculty for imparting knowledge and skill in science, and the absence of a strategy in the short run for developing the numbers required to impart technical skills proves the point that when the three institutions were merged to form a University, they each lost their niche. Each lost direction and sought to toe the line to attain university status.

3.2.28 Although it was meant to become a great polytechnic to produce highly skilled technicians for the economy and teachers for secondary schools, Kyambogo University is today largely a teaching University. It does not produce the skilled technicians yet there is a dearth of technicians in the country. Although it was meant to skill Ugandans in the sciences, its impact in this field has not been realised.

3.2.29 There are hardly any research projects going on at Kyambogo to add to the body of skill and knowledge that would transform the large numbers of unemployed youth into job makers rather than job seekers. It is therefore necessary the Government goes back to the drawing board to evaluate the level of development of the institution, and why it has stagnated, and then chart the way forward for its future.

3.3 Malfunctioning of the various organs and offices responsible for governance at KyU

University Council

3.3.1 The Council is the supreme organ of the Public University and responsible for the overall administration of its objects and functions. The Council is responsible for the direction of the administrative, financial and academic affairs of the University;

it formulates general policy, gives general guidelines to the administration and academic staff of the University on matters relating to the operations of the University. It is also mandated to do any other thing and take all necessary decisions conducive to the fulfilment of the objects and functions of the University.

- 3.3.2 The powers of the Council are stipulated in UOTIA: it represents the University in all legal suits, receives gifts, donations, grants or other monies and makes disbursements as may be required on behalf of the University. The Council is also responsible for setting fees and boarding charges, making statutes under the Act and establishing departments, boards and courses of study, as well as approving proposals for the creation of constituent colleges. It is also charged with providing for the welfare and discipline of students, and approves budget proposals and final accounts submitted by management and the appointment of deans and deputy deans of faculties.
- 3.3.3 The composition of the Council is provided for by section 38 of the UOTIA. The Act provides for about 30 members of the Council, including the University Secretary who doubles as the Accounting Officer of the Public University and Secretary of the Council.
- 3.3.4 By virtue of section 43 of the UOTIA the Council may appoint Committees and Boards consisting of such number of its members and other persons as it deems necessary; it may also co-opt any person on any Committee of the University Council. It may delegate any of its functions, save for the power to approve the budget or the final accounts of the Public University.
- 3.3.5 Although it is the supreme body provided for by law to take responsibility for the overall administration of the objects and functions of the University, there are complaints about the composition of the councils of the various public Universities; Kyambogo is not excluded.

3.3.6 The minimum number of members of Council provided for by section 38 of the UOTIA is 27. The sources of Council members are diverse including the following:

- i) Representatives of a sector relevant to the university depending on its objectives and mission, appointed by the relevant body of that sector
- ii) Representative of the Ministry of Education
- iii) Three (3) appointees of the Minister of Education from the public
- iv) Three (3) representatives of the administrative staff associations
- v) Two (2) representatives of the students' association
- vi) Three (3) members appointed by the University Council from the public
- vii) Representative of the Ministry of Finance
- viii) Representative from Ministry in charge of higher education
- ix) Representative of the district Council in whose jurisdiction the university is found.

3.3.7 Respondents interviewed by the IG investigation team were unanimously of the view that the current composition of the University Council is unwieldy. Council is also dominated by members of staff of the University, at least 16 of the total number, making it difficult to take firm decisions towards streamlining the administration of the University. This is especially so if the proposed plan of action is not in the interests of the members of staff.

3.3.8 Respondents were also unanimously of the view that the majority of members of Councils do not have vast or any experience in the management of higher education and in many cases they are unionists pushing for the interests of their constituencies.

3.3.9 It was also established that Kyambogo University Council does not have a Charter. However, there are guidelines referred to as the "Guidelines for Kyambogo University Council Meetings." The Guidelines provide for the regularity of meetings of the Council,

and procedures and decorum during the meetings, notice for meetings, quorum, ratification of decisions, recording and custody of minutes and validity of proceedings. There are no guidelines for the meetings of the Committees of Council. The 5 page document has 8 sections and is totally lacking in substance and detail.

- 3.3.10 One respondent stated that the absence of a Charter for Council has serious implications on how often Council and its Committees meet, especially if it is left within their discretion to decide. Section 1 of the Guidelines provides that the Council shall hold at least three meetings every calendar year which shall be called "Ordinary Meetings". However, there is provision for "Special Meetings" which the Council may hold as and when it deems fit. The Council requests management to convene such meetings to consider business determined by Council. Although a schedule for meetings is meant to be approved by Council for each financial year, there seems to be limited compliance to any schedules approved.
- 3.3.11 It was established that the KyU Council can meet more than 25 times in one year and the meeting sometimes take 3-4 days. The Auditor General's Report of 2010 raised a query when it was established that in that Audit period the Council met 17 times. It was proposed that because a good number of Council members are retired and are not in gainful employment, they have a lot of time to spend. Members therefore propose to have as many meetings as possible.
- 3.3.12 It was also stated that the absence of a Charter for the Council means that there are no guidelines for the management of disciplinary proceedings. It was suggested that the absence of guidelines for disciplinary proceedings has resulted into the members of Council failing to understand procedural issues while considering staff disciplinary matters. A former member of the Council confirmed this when he stated that:

"Most members of KyU Council are either ignorant of or they do not care for the law. Most members do not understand the simple basic fundamental human rights such as natural

justice, fairness, equity, right to information and right to legal advice and representation, expedited resolution of problems and disputes, among many others ...”

- 3.3.13 Some respondents interviewed by IG outside the University confirmed the position that Council is ineffective in its superintendence over the affairs of the University. It was stated that the size of the Council and its domination by members of staff has led to several problems in the execution of its functions. First and foremost, the predominance of staff on the Council has resulted in the unhealthy situation where the Council is anxious to please members of staff at any cost which has resulted in the high level of indiscipline and impunity witnessed among staff of the University. That as a result of this trend in the proceedings of the Council, it appears as though the Council is employed by the staff and responsible to staff.
- 3.3.14 It was also proposed that the ineffectiveness of Council could be a result of an absence of induction, training or both, on what is expected of such a council. This coupled with the conflicts of interest on the part of its members that are also staff members of KyU might be the reason why some issues, such as the disposal of cases against staff members by the Appointments Board and review of remuneration of staff, were not dealt with efficiently.
- 3.3.15 A member of the Council who volunteered information to IG about its operations and the manner in which decisions are made confirmed the observations above. She stated that the members of the Council who are from very varied sources do need rigorous induction and training to enable them understand the concepts of corporate governance in order for them to fully understand and professionally undertake their role as the supreme body that is responsible for the administration of the University.
- 3.3.16 It was also stated by some respondents that the members of the Council have not accepted their role as restricted to policy making. As a result the Council sometimes interferes in the operational matters of management of the institution at the

expense of the formulation of policy. This may also be the reason for the frequent Council meetings. As a consequence, there has been an absence of policies to guide management and the other organs of the University, as was observed by the current Acting Vice Chancellor, Prof Katunguka.

- 3.3.17 It was also established that the some Chairpersons of the Council used their influence over members of Council to get decisions that are based on their personal interest. This can be easily achieved because the Chairperson of the Council is also authorised by law to sit on all the Committees of Council¹⁵. He/she is therefore able to influence a decision both at the Committee and Council level because he/she then as a member, and sometimes as the Chairperson of a Committee of Council, reports to himself as the Chairperson of the Council.
- 3.3.18 Some disquiet was expressed over the manner in which the Vice Chancellor is appointed and removed. The VC is appointed by the Chancellor on the recommendation of the University Council which too has the power to recommend that he/she be removed under the provisions of section 55 (1) of the Universities & Other Tertiary Institutions Act. It is provided that two thirds of the University Council may if satisfied that the VC or DVC should be removed from office on the grounds of misconduct or inability to perform the functions of their office, by giving notice in writing to the officer concerned and on recommendation of the Appointments Board, recommend to the Chancellor that the VC or DVC be removed from office.
- 3.3.19 The first impediment in the process is the criteria used for determining removal of the VC. The grounds are very broad: misconduct and inability to perform; the decision is based on whether Council is satisfied with his work or not. The possibility of derailing the process due to embedded biases was reflected in section 1.3 of this report where the Council, in the middle of the deliberations on the subject, came up with even more grounds

¹⁵Section 43 (4) of the Universities & Other Tertiary Institutions Act provides that the Chairperson of the University Council shall be an ex-officio member of all the Committees of the Council and where no specific Chairperson is appointed for a Committee the Chairperson of the Council shall be the Chairperson of that Committee.

to justify the removal of the VC that were neither the subject of the Council investigation against him, nor communicated to him before the decision to remove him from office was made. Added to that, there is no definition of misconduct; neither is there a limitation on the criterion “*failure to perform the functions of his office.*”

- 3.3.20 Compared to this very open and subjective provision, where the Constitution of Uganda provides that an officer can be removed from an office created by the Constitution, inability to perform functions of the office is limited to situations arising from “*infirmity of body or mind.*”¹⁶ In the three provisions under the Constitution, misconduct is amplified by explaining that it must be “*misconduct, misbehaviour or conduct unbecoming of the holder of the office.*” There is added to the two criteria the ground of “*incompetence*” as opposed to an inability to perform the functions of office.
- 3.3.21 In addition to this lack of clarity in the grounds for removal, the Appointments Board which is the body that finally recommends to the Chancellor whether or not the VC should be removed is a Committee of the University Council constituted of at least nine members elected by the Council from among their number.¹⁷ According to section 55 therefore, the Council recommends to one of its Committees that the VC should be removed from office. This Committee then considers the matter and recommends to the Chancellor whether the VC should be removed.
- 3.3.22 What then happens if all the members of the Appointments Board are also members of the Council that voted for the removal of the VC in Council? The decision would be a *fait accompli*; submitting the matter to the Appointments Board would be a formality just to prove that due process has been followed. The decision to remove the VC using these provisions of the law can never be fair and objective because it will always be tainted with conflicts of interest.

¹⁶Articles 144 (2) for judicial officers; Article 163 (1) for the Auditor General; Article 224 for the Inspectors General of Government.

¹⁷Sections 43 and 50 of UOTIA

- 3.3.23 For Kyambogo University, the appointment of Prof Ndiege and his tenure in office played out in a manner that best exemplifies how difficult the position of the VC can be given the status of the law, especially when he is pitted against a Council whose attitudes and actions are influenced by a member that was unsuccessful in the process of selection for the post of Vice Chancellor.
- 3.3.24 The search process for Vice Chancellor of KyU in 2008 returned three candidates that were considered suitable for appointment to the office: i) Prof Isaiah Omolo Ndiege ii) Prof John Opuda-Asibo and iii) Associate Prof Hannington Sengendo. The three names were submitted to Senate which recommended that Prof Ndiege be appointed as Vice Chancellor. He was therefore appointed by instrument signed on 26th November 2008.
- 3.3.25 Though he contested for the post of VC, Prof Opuda-Asibo had before the search process for this post been appointed as the Deputy Vice Chancellor (Academic Affairs) in July 2008; he therefore joined the contest as the incumbent DVC (Academic) It is also important to note that Prof Opuda-Asibo had applied for the position of Vice Chancellor and was considered the best candidate in a search process that was carried out in 2005. Though he was the sole applicant who met the minimum requirements set out in the advertisement for the post, he was eventually declared unsuitable for the position by the Search Committee for reasons that were given in a report to Senate dated 3rd March 2005.¹⁸ He was however found suitable in the 2008 process, though not the best candidate for the post of Vice Chancellor.
- 3.3.26 The relationship between Professors Ndiege and Opuda-Asibo therefore started off on the wrong note where each tried to prove his competence and supremacy in the management of the affairs of the University. Written exchanges between the two

¹⁸Some of the reasons given for by the Search Committee were that Prof Opuda-Asibo did not provide clear information about his capacity to raise funds, outline his competencies in his CV as required and he did not demonstrate any experience in leading change management.

culminated in two warnings issued by the VC to the DVC for neglecting his duties (**Annex 15**).

- 3.3.27 The Governing Council noted that there was a poor working relationship between very senior managers of KyU; Council realised that the business of the University was coming to a standstill because of politics, rumours and cliques. As a result, James Kalebbo, then Chairperson of Council, constituted a group of 8 members of Council which constituted an Ad Hoc Committee to look into this sensitive matter.
- 3.3.28 According to the report of the Committee (**Annex 16**), the concerns of Council were that members of Top Management were not working as a team to provide united leadership to the University; there were cliques within created by the VC and DVC (Academic Affairs). Dr Mpande, former VC was said to have been involved in the formation of the cliques but by the time efforts to bring about reconciliation between the VC and DVC (AA) took place he had already left KyU, as a result of the recommendation and findings in the report of the IG issued in 2007.
- 3.3.29 The findings of the Committee about the weaknesses that led to the poor relationship between the VC and DVC were summarised in the report of the Committee which showed that both persons were strong willed and inflexible. While the VC was found to think that his views were always right and that he was above the Council, he was also quick to write reprimands and circulars, which the Council construed to be threatening to other senior members of staff and resulted in a tense relationship between them.
- 3.3.30 The Committee found that the DVC did not recognise the VC as the leader of Top Management, was egocentric, with the erroneous feeling that he excelled at everything and so did not recognise authority. He was also found to be partial to the formation of cliques and operated using them, not realising the dangers of insubordination. He was also found to be rigid and unwilling to cooperate.

- 3.3.31 However, both persons were found to have made positive contributions to the development of the University. While the VC was found to have streamlined the management of finances and the processing of certificates and transcripts in a shorter time than had been done before; the DVC was found to have done a commendable job during the staff validation exercise.
- 3.3.32 The Committee thought the relationship between the two colleagues improved as a result of their intervention and counselling but recommended that the two still needed to be counselled to help them work together as a team, with the DVC recognising the VC as the Chief Executive Officer. This was not to be because the term of that University Council expired, bringing in a new Council that failed to manage the relationship between the two. This set the stage for the events described in sections 1.2, 1.3 and 1.4 of this report, which resulted in a recommendation that Prof Ndiege be removed from office.
- 3.3.33 During his absence, KyU Council appointed Prof Opuda-Asibo to act as VC Chancellor. It was established that for the time that Prof Opuda-Asibo was Acting Vice Chancellor he received emoluments as though he was the substantive Vice Chancellor. When IG investigation officers asked Prof Opuda to explain the excessive payments he responded thus:

“I am acting on behalf of an existing Vice Chancellor, Prof Omolo Ndiege and his terms of contract are the University’s Terms and Conditions of Services. I am now employed in his behalf and therefore remunerated like him.”

- 3.3.34 This response was clearly in contravention of regulation 16 (2) of the Terms and Conditions of Service of KyU Staff which stated that the rate of acting allowance shall be the difference between the basic salary of the substantive officer and the basic salary of the officer acting in that position. Unfortunately, the working relationship between these two very senior managers of KyU turned out to be as unreasonable as sibling rivalry.

3.3.35 The fact that Prof Ndiege was Kenyan exacerbated the unhealthy relationship between him and members of staff that were resistant to the changes that he tried to bring about at the University. The resistance culminated into what appeared to be threats to the safety and the life of Prof Ndiege as was shown in anonymous emails that were circulated on the Campus in 2013 and finally in a report that was made to the Uganda Police **(Annexes 17 and 18)**.

3.3.36 Finally, although the search process for the Vice Chancellor is provided for by law and is perceived as democratic, it does not always bring about the desired result; it does not provide security for the VC and DVCs to carry out their mandate without fear of removal by members of the Council who may be disgruntled by their actions. One respondent had this to say about the Council in relation to the position of the VC:

“Composition of the University Councils is over 80% members of staff including representatives for special interest groups, support staff, non-teaching staff, academic staff and students most of who know little about what a University is or how it should be governed. More so, many possess low academic qualifications. These are more of participatory members with no technical knowledge at all.

The Council as the supreme governing body and the role it plays as the supervisor of the Vice Chancellor and other technical staff are in conflict, with the latter in a weaker position as employees of the Council. ...with this wrong composition of the Councils at Public Universities there can never be harmony.”

3.3.37 In conclusion, there are structural weaknesses in the Governing Council which are brought about by the gaps and conflicts in the law. In this case, the interpersonal conflicts and unhealthy competition among top managers of the University who were also members of the Council were exploited by staff members who negatively influenced Council to act in a subjective and

unprofessional manner. The weaknesses in the Council also meant that the staff members were able to control the Council to the detriment of the achievement of the objects of the University.

Appointments Board

- 3.3.38 The Board is one of the Committees of Council established under section 50 of UOTIA. It is charged with the responsibility of appointing, promoting and removing from service, and the discipline of all officers and staff of the academic and administrative service of the University, except where provided otherwise by the UOTIA.
- 3.3.39 According to section 50 (2) of UOTIA, the nine members of the Appointments Board are elected pursuant to the provisions of section 43 of the Act. It is provided under section 43 (1) (a) that the University Council may appoint committees and Boards consisting of such number of its members and other persons as it may deem necessary.
- 3.3.40 Apart from the fact that the University Council does not have a Charter to guide its proceedings and the proceedings of its committees, including this very important board, there are structural issues in the implementation of its mandate. Because of its composition, as an organ of the University Council, the Board is not independent. While it sits regularly to discharge its business of recruiting, appointing and promoting staff, it was established that it has fallen short in the function of disciplining staff.
- 3.3.41 It was established that by 20th August 2013, there were 24 matters pending disposal before the Appointments Board; 16 matters related to academic staff while 8 related to non-teaching staff. Cases against academic staff included claims about academic/examination malpractice and nepotism in recruitment processes. The complaints against non-teaching staff included causing financial loss, theft of university property, double employment and neglect of duty.

- 3.3.42 The Legal Officer complained that there was inordinate delay by the Appointments Board in disposing of the cases which could result in suits being filed against the University (**Annex 19**). Delay in taking disciplinary action against errant staff members was identified as one of the causes of impunity and rejection of authority by members of staff of KyU.
- 3.3.43 It was also established that the absence of written procedures or a charter for the KyU Council and its Committee has contributed to filing of suits against the University by a good number of members of staff that appear before the Appointments Board filing. The University thus continues to lose money in compensation to members of staff subjected to disciplinary proceedings.
- 3.3.44 Information provided by the Legal Officer to IG about the cases filed against the University by employees showed that by the 13th July 2015 there were 13 cases pending disposal in various courts against Kyambogo University. The majority of cases (11) were suits brought by employees for alleged unlawful dismissal and arrears of salaries and allowances. Some dismissed employees claimed rights to stay in University houses and continued to do so in spite of their dismissal.
- 3.3.45 According to the Legal Officer, the other reasons for the suits against the University are historical. The unplanned merger of three institutions into one led KyU to inherit suits from all three institutions. Some members of staff of each of the institutions were not satisfied with their positions after the merger and so filed suits to claim what they considered to be their rights to appointment and benefits; grudges against those that had been appointed also culminated into suits in court. It was also stated that cliques and divisions said to have been created during Prof Ndiege's term of office also resulted into disputes in court between the various factions of employees in the University.
- 3.3.46 It is therefore apparent that the Appointments Board as constituted by law also has systemic weaknesses in that it is susceptible to control by the Council. The absence of

regulations/guidelines to regulate procedures and time limits for the conduct of its business makes the Board slow and ineffective in ensuring that members of KyU staff are subjected to disciplinary proceedings, leading to impunity. The Board as it stands today is a liability to the University in terms of costly litigation in the civil courts and disorderly conduct among staff members of the University.

University Senate

- 3.3.47 The Senate consists of the Vice-Chancellor, the Deputy Vice Chancellors, Deans and Directors of faculties or schools as may be established within the University, representatives of constituent colleges, schools or institutes, and professors and associate professors of the University that the University Council may determine. The University Librarian, Bursar, Dean of Students and Secretary are also members of this body which by statute also includes non-members of academic staff elected by Council, two students elected by students and three persons who are capable of contributing to the academic and social development of the University. The Vice Chancellor is the Chairperson of Senate while the Academic Registrar is its Secretary.
- 3.3.48 Senate is responsible for the organization, control and direction of academic matters of the University and as such is in charge of the teaching, research and the general standards of education and research and their assessment in the University.
- 3.3.49 The functions of the Senate are, among others, to initiate the academic policy of the University and advise the University Council on the required facilities to implement the policy; direct and regulate the instruction programme and the structure of awards for courses within the University and advise the Council regarding the eligibility and qualifications of persons for admission to courses leading to awards of the University.
- 3.3.50 Senate is also charged with the responsibility of making regulations regarding the content and academic standards,

making regulations about the standard of proficiency to be attained in each examination and deciding which persons have reached the standard of proficiency and are fit to receive awards of the University.

- 3.3.51 It was established that there is no charter providing guidelines for Senate operations and how it relates to Council in academic matters. Failure to have this in place means that Council sometimes repeats and/or overturns what Senate has advised on academic matters.
- 3.3.52 According to Prof A B K Kasozi, former Chairperson NCHE, the programs delivered at Kyambogo are not well thought through, organized or in conformity with international best practice. Although NCHE had asked all institutions to present their programmes for accreditation, KyU has not always been co-operative. This was confirmed by the NCHE Report of the Monitoring Visit to KyU in 2011. The monitoring team found that out of 165 courses taught at the time, only 20 (12%) were fully accredited, which was unacceptable to the NCHE.
- 3.3.53 The monitoring team also found the reasons given for the failure to have all courses taught accredited were flimsy, such as the excuse that KyU feared that if programmes are given to NCHE they would be pirated and made public; the unsettled period after the merger could not allow the accreditation process to proceed; many lecturers were part-time and not interested in writing programs; staff demanded for extra payments to write out the academic programmes; and it takes long for programmes to reach NCHE for accreditation.
- 3.3.54 The subject came up in 2014 following the report of the Auditor General which found that only 21 degree courses offered at KyU were accredited, leaving 70 others without accreditation. The response from KyU was that all courses are accredited because they were all sent to the NCHE for revision but the University failed to complete the process in time. By letter dated 7th October 2014 (**Annex 20**) NCHE clarified the position of KyU courses, stating that they were given provisional accreditation. NCHE also

gave notice that programmes in Engineering that were submitted for accreditation named in the list attached were due for re-submission and approval by 7th October 2015.

- 3.3.55 Complaints about exam leakages and other academic malpractice at KyU have been rife over the past few years. This should also be of concern to the Senate. IG did not have the capacity to fully investigate these complaints due to their very technical nature and the fact that it would require the cooperation of both errant students and lecturers in order to come to any concrete findings.
- 3.3.56 However, records of the proceedings of the Appointments Board which sat on 14th April 2014 showed that a Technician in the Department of Engineering, A Senior lecturer in the Department of Mechanical and Production Engineering, an Assistant Lecturer in the Department of Civil and Building Engineering and a part-time lecturer in the Department of Mechanical Engineering were found to have solicited for money from students for: i) awarding students higher marks, ii) expeditious marking of examination scripts by outsiders iii) passing the course and iv) ensuring that students successfully defended their presentations. The 4 members of staff were recommended to Council for termination of their contracts with KyU.
- 3.3.57 The IG investigation also found support for allegations that there have been instances where marks have been altered to facilitate failed students to graduate. One such instance was during the process leading to the 9th KyU Graduation Ceremony where 8 students who offered the Course EC 217, Introduction to Information Technology, were offered higher marks by an administrator to pass and so graduate from KyU. The alteration was discovered and the students were removed from the graduation list. However, the perpetrator of the alterations was not punished.
- 3.3.58 The core objectives and functions of KyU are to impart knowledge and skill to students. The Senate is central to achieving this. Apart from any other organ of the University, Senate should

demonstrate efficiency and effectiveness in implementing its functions in order to build a positive image of the institution. The ineffectiveness of Senate in ensuring that all programmes offered at KyU are fully accredited, lapses in assessment that lead to delay in producing results as well as the evidence that there is actually academic malpractice at KyU, have contributed to the decline in the numbers of students desiring to join the University. The crisis of confidence must be addressed as an emergency.

Top Management Team

- 3.3.59 This is a loose coalition between offices provided for by the UOTIA which includes the Vice Chancellor, Deputy Vice Chancellors, University Secretary, Bursar, Dean of Students, University Librarian, and Internal Auditor. The other officers provide advice to the VC and he is meant to build cohesion in the University by building a team that works together.
- 3.3.60 The role of this team is not clear, possibly because it was never meant that the offices above provided for by the UOTIA were crafted to work as a block. The linkages between them are therefore weak and team work may be difficult because each has its own designated roles according to the Act.
- 3.3.61 According to Prof Ddumba Ssentamu, the structures created by UOTIA led to the creation of redundant structures. Public Universities have an Academic Registrar and a Vice Chancellor in charge of academic affairs, as well as school registrars. There is also a DVC (Finance & Administration) as well as a University Secretary, Bursar and Dean of Students. The various offices have overlapping roles in their respective sectors and when each tries to assert its influence in order to remain relevant, conflict may result.
- 3.3.62 It was observed from the findings of the investigation by IG that the overlap of roles not only led to conflict between the officers in charge of administration and management of KyU but it also led to an attitude that no particular person was in charge or

responsible for some of the functions of the University. The management of the University Farms and Workshops clearly exemplified this. While the heads of the relevant departments thought the University Secretary should be in charge, he did not seem to pay these assets much attention. There were no effective managers in place which led to an absence of direction and a total neglect and deterioration of the assets. The conflict of roles between the Vice Chancellor and the University Secretary worsened the structural problems in management of resources and assets.

- 3.3.63 The IG investigation also found that the skills of person holding the offices of University Secretary, Dean of Students, Academic Registrar and Bursar of the University left a lot to be desired. The University Secretary was found to be incompetent and totally out of his depth in the position of Accounting Officer; the Dean of Students failed to perform her function effectively leading to the compromise of the welfare of students; the Academic Registrar failed to manage the process of admission of students and properly coordinate the marking of examinations and delivery of results to Senate; the University Secretary and the Bursar totally failed to manage the collection of tuition and other fees, as well as rents from premises, leading to colossal losses of funds by the institution.
- 3.3.64 There is need for a clarification of roles where they overlap e.g. the Academic Registrar and the DVC (AA) and the Vice Chancellor, University Secretary and Deputy Vice Chancellor (Finance & Administration). There also seems to be a need for clarification of the vision and mission of KyU in order for it to be embraced by all managers of the University.
- 3.3.65 It is also apparent that the calibre of skill sets needed to manage the institution was not achieved in the last recruitment of top managers in the years 2009, 2010 and 2011. It was established that there was perceived conflict of interest in recruitment by the KyU Council which led to the appointment of officers who some members of staff described as rejects from other institutions. Apart from seeking to recruit top managers with sufficient

technical skills, KyU must seek for and recruit officers that have the character/personal attributes that are required to supervise senior members of staff as well as deal with the large and diverse body of students at KyU.

Vice Chancellor and University Secretary

- 3.3.66 These two officers were considered together in this analysis because of the central role they play in the management of the affairs of a public university, and what seems to be a conflict in the provisions of the UOTIA.
- 3.3.67 Section 31 (1) of UOTIA provides that the Vice Chancellor is responsible for the academic, administrative, and financial affairs of the University. In the absence of the Chancellor, he presides over the ceremonial assemblies of the University and confers degrees and academic titles. The VC is appointed by the Chancellor on the recommendation of the University Council from among three candidates recommended by the Senate. The search for the VC is conducted by two members of the Council and three members of the Senate. The terms and conditions of service of the VC are determined by the Council.
- 3.3.68 It was found that the role of the VC is not properly understood by staff, the Council and the other top managers of the University. IG investigators were informed that where there is an absence of a charter for the University Council, the Council tends to take over some of the administrative functions of the VC leading to a conflicted relationship between the two. KyU Council has no Charter and this trend was observed in the relationship between the VC and the Council.
- 3.3.69 Respondents interviewed by IG had differing opinions about the role of the VC. While the VC is perceived as the Chief Executive Officer of a public university and its face, a strong secretariat is created by the UOTIA in the office of the University Secretary. According to section 33 (1) of the UOTIA, the University Secretary is appointed by the University Council on the recommendation of the Appointments Board. He/she is responsible for the general

administration of the University including custody of the seal and the administration of its assets. By virtue of section 33 (3) of UOTIA the University Secretary is the Accounting Officer of the University but he is responsible to the Vice Chancellor and the Council, and therein lies the problem.

- 3.3.70 According to Prof Ndiege, when he took office as VC he realised that there was “*massive wastage of funds.*” He thus directed that after internal audit, all payment vouchers for more than UGX one million should be directed to his office or his deputy in order to determine whether value for money would be achieved by the payment. A report was made to the Auditor General that the VC had usurped the powers of the Accounting Officer and his interventions were delaying payments. It seems no decision was made about this complaint and the two officers continued to clash over their roles and responsibilities as far as the finances of the University were concerned.
- 3.3.71 It was Prof Ndiege’s view that section 31 and 33 of the UOTIA together with provisions of the Public Finance and Accountability Regulations gave him the power to intervene in the management of the financial resources of the University. It was also the understanding of Prof Ndiege that since section 33 (4) of UOTIA provides that the University Secretary shall be “responsible” to the VC the interpretation of this provision should be that the VC is finally in charge of the financial affairs of the University, over and above the University Secretary. Prof Ndiege therefore tried to take control of the financial affairs of the University as much as possible, leading to a conflict between him and the Accounting Officer and other members of staff.
- 3.3.72 In a submitted to IG about this problem in the management of the University, Prof Ndiege proposed that the UOTIA should be amended in section 31 and 33 to remove the conflict between the two offices by making the VC the Chief Executive Officer of the University and the Accounting Officer. The VC would then be responsible for the implementation of policies made by the Council and the day to day operations of the University. It was

his view that this would reduce the centres of power and make it possible to pin down officers for wrong doing.

3.3.73 It was also Prof Ndiege's opinion that because power is reposed in the Council, the University Secretary and the Vice Chancellor, it is possible for two of the centres to collude with each other and frustrate the implementation of the mandate of one of the repositories of the power with the intention of failing them. In this case, his concern was the frustration of the work of the VC due to an absence of control over the financial resources of the University. Prof Ddumba Ssentamu was also of the view that there is no need to have the overlapping roles of the Vice Chancellor and the University Secretary.

3.3.74 The role of the University Secretary and the Vice Chancellor as possible accounting officers was discussed extensively by Parliament before the UOTIA was passed. The same divisions occurred with some Members of Parliament opining that the VC should be the Accounting Officer while others thought not.¹⁹ The current position of having a strong office created for an accounting officer was eventually passed by Parliament for the following reasons:

- i) The Vice Chancellor would be the Chief Executive and oversee the operations of all officers below him;
- ii) The proposed structure had been found to work efficiently in the oldest University, Makerere, which had a University Secretary as the Accounting Officer whose function was to manage the day to day administration of the university. The working relationship created by the Chief Executive (VC) with the Council was properly used and resulted in the progressive development of the institution;
- iii) Creating an office of the VC as accounting officer would mean that the VC determines his budget for appropriation by Parliament, is in charge of spending

¹⁹Hansard of the 6th Parliament, Wednesday 18th October 2000

it, and then accounts to Parliament for the expenditure which would result in a situation where the VC would act as the accused, prosecutor and judge;

- iv) Making the VC the chief finance officer, as well as the chief academic, and the administrative officer would be a burden and misplaced. Universities have a lot of financial transaction which have to be overseen by a specific officer, the accounting officer/university secretary;
- v) Making the VC the accounting officer would create a dictatorship in the office of the VC with no one within the administration of the university who can call him to account or supervise him and correct him, even when he is wrong.

3.3.75 Although some Members of Parliament were of the view that the VC should be the Accounting Officer so that he is made personally liable and not be shielded from any possible misdeed by another officer, the position that the two functions be separated in order to provide for a system of internal controls carried the day and was thus included in UOTIA.

3.3.76 In view of what went before Parliament before the UOTIA was enacted and the proposals that the same question be considered as a reform of the structures of public Universities, it is pertinent that an attempt is made to resolve the conflict between the roles of the VC and the University Secretary, using the current legislation relating to the subject.

3.3.77 It is important to note that the duties of Accounting Officers of Ministries, Departments, Agencies, and other institutions of Government, including local governments are well laid out in other statutes. They were previously provided for in the Public Finance and Accountability Act (PFAA) (2003) the Uganda Government Financial Regulations, 2003, the Treasury Accounting Instructions, 2003 and Treasury circulars brought to

the notice of the Accounting Officer. The PFAA was repealed and replaced by the Public Finance Management Act (PFMA) of 2015 and attendant Regulations. The relevant provisions that set up the office and functions of Accounting Officers were retained in the new Act.

3.3.78 On appointment as Accounting Officer for any government ministry or agency, the responsibilities of the officer are laid out in great detail in the letter of appointment. The letter of appointment addressed to Sam Stakus Akorimo on 18th June 2013 by the Secretary to the Treasury (**Annex 21**) is in the same terms. It was stated in Clause 6 of the letter that the Accounting Officer is personally and pecuniary liable to Parliament and he must be ready to defend himself on any charges when appearing before Parliament.

3.3.79 This clause was drawn from Section 8 (2) of the repealed Public Finance and Accountability Act (2003)²⁰ which provided as follows:

*“An accounting officer **shall control and be personally accountable to Parliament for the regularity and propriety of the expenditure of money applied by an expenditure vote** or any other provision to any Ministry, department, fund, agency, local government or other entity funded wholly through the Consolidated Fund, and for all resources received, held or disposed of, by or on account of that Ministry, department, fund, agency, local government or other entity.”*

3.3.80 It was further provided in section 8 (5)²¹ that any delegation of the powers and duties of the Accounting Officer under subsection (4) would not affect the **personal and pecuniary accountability** by the Accounting Officer.

3.3.81 As a result the provisions of the UOTIA have to be read together with these specific provisions about public financial management

²⁰The provision was re-enacted in the Public Finance Management Act of 2014 as section 45.

²¹Section 45 (8) of the PFMA now provides that an Accounting Officer shall be personally responsible for a function or responsibility that is delegated under section 45.

to remove any likely conflict in the UOTIA relating to the roles of the VC and the University Secretary in a public University.

- 3.3.82 There is also, for every public University, created by statute the office of the 2nd DVC. Section 32 (4) provides that the 2nd DVC shall assist the VC in the performance of his functions and in that regard oversee the finances and administration of the University. The 2nd DVC is therefore referred to as the DVC (Finance and Administration). According to section 32 (4) 9 (b) of UOTIA he is to be responsible for planning and development of the university.
- 3.3.83 Although the 1st DVC is by virtue of section 32 (3) (a) is by virtue of UOTIA responsible for the academic affairs of the University, the VC is the Chairperson of Senate. The functions and powers of Senate cannot be over-emphasised. The success of any Public University depends on the credibility of the degrees, diplomas and certificates that it awards to its graduates. Where there is doubt about the rigor of academic programs and assessment of students the credibility and reputation of the institution are also doubted by the public. The crisis of confidence may result in the death of the institution.
- 3.3.84 The conflicts between the top managers of KyU from 2009 to 2013 were most unfortunate because the VC was in conflict with both the University Secretary and the DVC in Charge of Academic Affairs, Prof Opuda-Asibo. This resulted in the neglect of the role of the Senate as is explained in paragraphs 3.3.52 to 3.3.57 above. The resultant loss of confidence in the academic programs offered at Kyambogo now has to be addressed as an emergency because over the last few years, there has been a marked decline in the number of students enrolling to take courses at KyU.
- 3.3.85 Finally, the advertisement that was published in the New Vision newspaper on 29th October 2007 for the post of VC of KyU (**Annex 22**) stated that the major roles of the VC would be in the general terms provided in section 31 (1) of UOTIA. The key academic and administrative responsibilities were given as advising Council on all matters pertaining to the University,

provide academic leadership to the university, be responsible for the administrative and financial affairs, coordinate the development of plans, policies and programmes and mobilise resources necessary for implementation of plans, policies and programmes, among others.

3.3.86 In 2014, KyU put up an advertisement for the now vacant post of Vice Chancellor which IG retrieved from the official website (**Annex 23**). The first and foremost task of the VC was again stated in terms similar to section 31 (1) of UOTIA as

“to provide academic, administrative and financial leadership to the whole University and as such be responsible to the University Council for maintaining and promoting academic excellence as well as maintaining efficiency and good order in the University.”

3.3.87 The foremost credentials for the successful candidate include the following:

- i) Be a Full or Associate Professor and a holder of an earned PhD or Doctorate Degree from a University recognised by the NCHE;
- ii) Having ten years’ experience working with a high degree of success in a senior position in a large and complex higher education or research organisation;

3.3.88 The desirable qualities given for the successful candidate have at the forefront academic credibility, intellectual curiosity and appreciation of values and culture of the University. It is therefore befitting of his stature, and the overall objectives of academic institutions of this nature that the VC concentrate, as a matter of priority have his strategic focus on the academic aspects of administration other than doubling as Accounting Officer, much as there is also a DVC (Academic Affairs) assigned to the VC by law.

- 3.3.89 According to Prof Venancius Baryamureeba, the poor accountability of funds in Public Universities and the clashes between Vice Chancellors and University Secretaries are partly due to the low calibre of the persons employed as Accounting Officers in the various Universities. It was his view that this makes the Vice Chancellors who are the Chief Executive Officers try to correct the errors made by Accounting Officers leading to clashes in the administration of the institutions.
- 3.3.90 The proposition above seems to be true for KyU. However, the solution adopted by the former VC could not resolve the problem. While he focused on the massive loss of funds, other assets, such as the farms and the workshops were going to waste. Fees were being stolen by both staff and students instead of being banked as was required by the policies of KyU. It might have been better if the VC had exposed the incompetence of the Accounting Officer for all to see instead of trying to do his work for him.
- 3.3.91 In conclusion, although there appears to be an overlap of the roles and functions in the offices of the VC and US under the UOTIA, which may result into conflicts between the two in the implementation of their mandates, the perceived overlap is resolved by other laws relating to public financial management. While the VC is responsible for the academic, administrative and financial affairs of the University as the Chief Executive Officer (CEO), the US is Accounting Officer within the meaning of PFMA and responsible for the general administration of university assets. Although the UOTIA states that he is responsible to the VC, the PFMA makes the U/S personally and pecuniary responsible directly to Parliament.
- 3.3.92 The administrative and financial role of the VC in a public university should be that of general oversight and mobilization of resources on behalf of the Council, not the day to day management of the assets and liabilities of the institution, especially not the funds that are expended from day to day.

- 3.3.93 The Accounting Officer is not only responsible for the funds allotted to and collected by the university but also for all its assets. This is a full time occupation requiring specialized managerial and financial skills and the dedication of the A/O. It cannot be amalgamated with the diverse roles of the VC as CEO, academician and leader of all of top management.
- 3.3.94 Frustration of programmes of VC by the Accounting Officer should not be possible because according to section 20 of PFMA an Accounting Officer shall plan and manage the activities as indicated in the policy statement of the vote, based on the cashflow plan issued by the Secretary to the Treasury. The policy statement of a vote is generated in a consultative process that, of necessity, must include the VC; all programmes of the vote are considered and allocated resources in advance prior to the approval of the budget by Parliament.

Deans, Directors and Heads of Departments

- 3.3.95 They are provided for by section 53 of UOTIA and they are elected by the academic staff from among senior members of the faculty, institution, college or other academic body, in accordance with procedures proposed by Senate and approved by the University Council. For new academic bodies, the Vice Chancellor is mandated to appoint the Dean or Director who shall remain in office for two years.
- 3.3.96 Due to the limited numbers of academic staff with the requisite qualifications to take office as deans, directors and heads of departments, KyU has a challenge in identifying staff to fill the positions available in this area. The IG investigation also found that numerous complaints arise against the leaders of the University whenever there is need to fill these positions.
- 3.3.97 For instance, in 2013 IG received a complaint that while still in office, Prof Ndiege worked hard to ensure that only a few departments and faculties have elected heads. Further that he used the office of the Solicitor General to interpret the UOTIA against the advice of the University Council in order to secure his

way, and he eventually appointed his favourites as heads of departments and deans of faculties.

- 3.3.98 It was established that there are regulations/guidelines for the election of deans, heads of departments and directors which were passed by the University Council in 2012. That the rules were followed in the elections held in 2013. It was found that 33 faculties and departments lacked members of staff qualified to be nominated as Deans and Heads of Departments. It was also found that there were insufficient members of academic staff to fill the positions available because the minimum qualification required to fill these positions is that of a senior lecturer. For one to qualify to become a senior lecturer, the candidate must possess a master's degree and be on track for the award of a PhD with original contributions to knowledge through research and a good record of community service.²² In addition, KyU requires progress reports towards the award of a PhD.
- 3.3.99 It is also the case that because deans and heads of departments are elected by faculty in their departments, they owe an allegiance to them. In many cases they are held hostage and cannot take firm decisions or discipline staff in their departments, especially if they plan to seek re-election after expiry of their tenure, which is only two years according to UOTIA. Attempts to discipline errant members of staff meet with resistance and the deans and heads are forced into a position of surrender.
- 3.3.100 At its meeting held on 17th April 2014, the Appointments Board observed that supervisors at KyU are hesitant in putting reprimands and complaints or formal investigations in writing because they fear being misunderstood in their departments/faculties. It was also observed that most heads of departments and deans were hesitant to take formal action against persons under their supervision because they were in office in acting capacity.

²² Regulation 4 (b) of the Universities and Other Tertiary Institutions (Awarding Honorary Degrees (Honoris Causa and Academic Titles) Regulations, SI 50/2010

- 3.3.101 The hesitant conduct of the supervisors/heads of departments then results in anarchy and impunity in the departments and the responsibility to correct errant faculty members is passed on to the Vice Chancellor. The VC is then perceived as being against the interest of staff members.
- 3.3.102 The absence of sufficient numbers of academic staff to fill the vacant posts is again a problem resulting from the hasty formation of KyU. There was no plan for development of academic staff to the levels required for a university. There is also limited funding provided by Government for development of academic staff. KyU does not offer courses for the award of PhDs and there is no research going on at this level at KyU.
- 3.3.103 The University Council approved the establishment of the School of Postgraduate Studies and Research to centrally and more efficiently coordinate graduate training and research which was largely handled at the Faculty and Departmental levels. The University Council therefore instructed the commencement of the School of Postgraduate Studies and Research in February 2008.
- 3.3.104 The school currently provides advocacy and administrative support for graduate students and graduate programmes. It also provides a mechanism for implementation and enforcement of graduate studies policies. Currently Management is in the process of establishing the various organs of the School of Postgraduate Studies and Research.
- 3.3.105 There are no full professors at KyU and there are only a handful of associate professors, including visiting professors. This is coupled with the dearth of senior lecturers in the institution. This makes it difficult for KyU to fulfil its research function and develop the calibre of staff required due to an absence of faculty to supervise masters and PhD students. It also makes it difficult to fill the vacant posts of Deans and Heads of Departments.

University Staff Associations

- 3.3.106 Staff Associations are provided for by s.68 of UOTIA. The Act makes provision for an Academic Staff Association, Administrative Staff Association and a Support Staff Association. All members of staff are eligible to become members of their respective association when admitted into the service of the University. The UOTIA does not specify the purpose for which these associations are formed; neither does it have a schedule that makes further provision for them nor regulations published to support the implementation of this provision, or at all.
- 3.3.107 Nonetheless, there are three staff associations at KyU: the National Union of Education Institutions (NUEI), an affiliate of the National Association, Kyambogo University Academic Staff Association (KYUASA) and Kyambogo University Senior Administrative Staff Association (KYUSASA).
- 3.3.108 The strikes and labour action that have been observed at KyU show that the three staff associations are capable of merging into a strong pressure group that influences almost everything that happens at the University. While some respondents interviewed by the IG investigation team were of the view that this is a positive development which ensures that there are no excesses of power by the managers of the University, there is also no doubt that the unregulated activities of the staff associations have contributed to the disruption of the development of the institution.
- 3.3.109 The staff associations are sometimes not in agreement about what should be done in situations of conflict with the managers of the University. For example, during the strike that was alleged to have been called by a resolution of the joint staff associations, NUEI distanced itself and called upon its members not to participate, as is shown in **Annex 24**.
- 3.3.110 In a letter dated 10th December 2013, the Branch Secretary of NUEI complained to IG about the high levels of intimidation that obtained during the 2012-2013 strikes at KyU. He also

informed IG that the strikes were occasioned by the selfish interests of some top managers and that in a sense the employers incited the employees to strike. It was therefore established that the staff associations have sometimes been used by some members of the top management team, including members of the University Council, to further their own personal agendas, much to the detriment of the institution.

- 3.3.111 It was further established that the strikes that were set in motion by the staff associations were not altogether lawful given the current national laws on staff associations, unions and withdrawal of labour in the public service, as is explained in the following paragraphs.
- 3.3.112 There is no doubt that all staff, academic, administrative and support, of Kyambogo University are public officers within the meaning of Article 175 of the Constitution of the Republic of Uganda. Article 175 (a) provides that in Chapter 10, which sets up the public service, unless the context otherwise requires, “*public officer*” means any person holding or acting in an office in the public service. “*Public service*” is then defined as “*service in any civil capacity of the Government, the emoluments for which are payable directly from the Consolidated Fund, or directly out of monies provided by Parliament.*” The funds for payment of remuneration of staff and for the running of the academic programs at Kyambogo University are drawn from the National Budget and so provided by Parliament.
- 3.3.113 In the absence of regulations or other instruments under UOTIA to guide the activities of staff associations, recourse has to be had to the national laws on such matters which are contained in the Constitution, Public Service Act (2008), the Labour Unions Act (2008), the Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act of 2008 and the Public Service Standing Orders of 2010.
- 3.3.114 Freedom of conscience, expression, movement, religion, assembly and association is protected by Article 29 of the Constitution of Uganda. Article 29 (1) (d) and 9 (e) thereof

provide that every person shall have the right to freedom of assembly and to demonstration together with others peacefully and unarmed and to petition, and freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organisations.

- 3.3.115 Pursuant to the provisions of the Constitution of Uganda, Parliament repealed and re-enacted a law to regulate the public service, including the right of public officers to associate and assemble as is provided for in the Constitution. While section 15 of the Public Service Act (Cap 288) provided that public officers referred to in the second schedule to the Trade Unions Act²³ (now repealed) were not eligible for membership in trade unions or employees associations, section 16 of the Public Service Act now provides that the participation of public officers in labour union activities shall be in accordance with the provisions of the Constitution and legislation providing for the public service negotiation and disputes settlement machinery.
- 3.3.116 The Trade Unions Act was repealed and replaced by the Labour Unions Act of 2006. Section 3 of the Labour Unions Act provides that employees shall have the right to organise themselves in any labour union and may assist in the running of the labour union, bargain collectively through representatives of their own choosing and engage in other lawful activities for purposes of collective bargaining or any other mutual practice, and withdraw their labour and take industrial action.
- 3.3.117 In tandem with the new Public Service Act, Parliament enacted the Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act (No. 10 of 2008) (hereinafter referred to as the “Negotiating, Consultative and Dispute Settlement Act”) to facilitate public officers to enforce their right to associate and assemble for a joint purpose concerning their employment as public servants, as is required by the Constitution.

²³ The prohibited officers included principals or directors of institutions of higher learning, heads of departments of institutions of higher learning or any other public officer who was in salary scale U2 or an equivalent or similar scale, or who was above that salary scale.

3.3.118 The Act provides for structures starting with Consultative Committees in each ministry, department, and local government or other division or unit of the public service. The Committees are meant to hear and offer conciliation services in labour disputes in any autonomous body, ministry, department, local government division or unit of the public service. They are also meant to act as fora for involving public officers and other employees in the service in the resolution of policy issues that affect them. In the event of an impasse a labour dispute is declared and reported to the Public Service Negotiating and Consultative Council.

3.3.119 Section 3 (4) of the Negotiating, Consultative and Disputes Settlement Act provides that the procedure to be employed by Consultative Committees is set out in the Second Schedule to the Act, the Consultative Committee Rules and Procedures (**Annex 25**) hereto. If there are grievances between a member of staff and another, they have first to be reported to the Secretary of the Consultative Committee and resolved, as is provided for in the Consultative Committee Rules and Procedures. If there is an impasse, section 3 (5) of the Act requires that a labour dispute is declared and reported to the Public Service Negotiating and Consultative Council.

3.3.120 The Public Service Negotiating and Consultative Council is provided for in Part IV of the Act. The functions of the Council are to conduct and facilitate consultations, dialogue and negotiations between Government and autonomous bodies as employees and the Public Service Labour Union, on the terms and conditions of service of the members of the union.

3.3.121 The Labour Unions have been designated by the Minister of Public Service in the Public Service (Negotiating, Consultative and Dispute Settlement Machinery) (Designation of Public Service Labour Unions) Statutory Instrument, No. 56 of 2011, as follows:

- i) National Union of Education Institutions
- ii) Uganda Government and Allied Workers Union

- iii) Uganda Scientists Researchers and Allied Workers Union
- iv) Uganda National Teachers' Union
- v) Uganda Nurses and Midwives Union
- vi) Uganda National Union of Local Government Workers
- vii) Uganda Medical Workers' Union
- viii) University Professional and Academic Staff Union
- ix) Uganda Parastatal Statutory Authority and Judiciary Workers Union
- x) Uganda Farm and Agro-Based Workers Union

3.3.122 The designated labour unions must in turn be registered under the Labour Unions (Registration) Regulations, SI No. 7 of 2012. Registered unions must enter into a Recognition Agreement with Government whose format is given in the Third Schedule to the Public Service (Negotiating, Consultative and Disputes Settlement Machinery) Act, attached hereto as **Annex 26**. The same instrument is Appendix G-1 to the Public Service Standing Orders (2010). It is only after signing such an instrument that the Unions can enjoy the rights and immunities provided for in section 24 of the Labour Unions Act.²⁴

3.3.123 The Negotiating, Consultative and Dispute Settlement Act sets out the Rules for Negotiating Terms and Conditions of Service in the Fourth Schedule. Rule 1 provides that negotiation of terms and conditions of service in the public service shall be made by a collective bargaining agreement (CBA) which shall form part of the terms and conditions of service in the public service. It is also provided in rule 4 of the same rules that negotiating matters that have implications on monetary expenditure shall be concluded during the budgetary phase in each financial year.

²⁴A registered union may sue or be sued; no suit may be brought in any civil court against any registered organization or any of its officers in respect of any act done in contemplation or furtherance of a dispute concerning a registered organization to which the registered organization is a party. Suits in tort against unions are also not to be entertained by courts where the alleged tortious acts have been committed by or on behalf of the registered organization, among other immunities.

- 3.3.124 The Negotiating, Consultative and Dispute Settlement Act provides for the Public Service Tribunal. The functions of the Tribunal are to hear and arbitrate any labour dispute referred to it by the Minister in accordance with the Act, make awards or recommendations to Government on any labour dispute and secure harmonious labour relations in the public service.
- 3.3.125 According to the office of the Permanent Secretary Ministry of Public Service,²⁵ on 22nd November 2011, Government signed recognition agreements with 10 Public Service Labour Unions. The Public Service Negotiating and Consultative Council was inaugurated on 14th August 2012; it has two members from each labour union as is provided for by the Act. The members of the Public Service Tribunal were approved by Cabinet under Minute 362 (CT 2013) of the 16th October 2013. However the terms and conditions of service of the members await the approval of Parliament.
- 3.3.126 It was established that there is only one association in Kyambogo University that is registered according to the law, the National Union of Educational Institutions (Uganda) (NUEI). It is an affiliate of the National Union which was registered under the Trade Unions Act. NUEI Kyambogo operates under the same Constitution as the national union, a copy of which IG investigators saw. Pursuant to section 62 (5) the Union was saved on the coming into force of the Labour Unions Act.
- 3.3.127 Kyambogo University Academic Staff Association has a Constitution dated December 2003. There was no evidence to show that it was registered anywhere. Investigators were informed that in 2014 the Kyambogo University Senior Administrative Staff Association was in the process of drafting and bringing its constitution into force.
- 3.3.128 It was argued that because they are provided for by the UOTIA the Staff Associations at KyU and all their activities, including industrial action/withdrawal of labour, are lawful. This

²⁵Progress Report on the Activities taken by the National Negotiating and Consultative Council from August 2012-June 2015, June 2015

assumption may have arisen because of the broad provisions of the Labour Disputes (Arbitration and Settlement) Act of 2006. Section 30 (1) of the Act provides that subject to any limitation provided in the Act and any other law, it shall be lawful for an employee to participate in an industrial action. It goes on to provide that it shall be lawful to act in contemplation or furtherance of an industrial action in connection with a labour action.

- 3.3.129 Section 30 (2) of the Labour Disputes (Arbitration and Settlement) Act goes on to provide protection for employees by providing that civil action shall not be taken against an employee who participates or acts in contemplation or furtherance of an industrial action in connection with a labour dispute. However, as is shown by the analysis below, this provision was consequentially amended for the public service in 2008 when specific legislation was enacted to provide mechanisms for public officers or employees in the civil service to present their grievances to Government in respect of their welfare and terms and conditions of service.²⁶
- 3.3.130 Going back to the provisions of the UOTIA that provide for staff associations, in the absence of clarification of the functions of the associations, recourse has to be to the Public Service Standing Orders in which Public Service Staff Associations are provided for under section G-a.
- 3.3.131 According to the Public Service Standing Orders, all public officers are bound by the Standing Orders. Section G of the Standing Orders provides for Unionisation and Staff Associations for Public Officers. Section G-a2 provides that in conducting their business, Public Service Labour Unions and Staff Associations will be governed by the laws of Uganda, their constitutions and general rules of conduct. Section G-a4 and 5 of the Standing Orders reiterate the requirement for the signing of a recognition agreement with Government by the designated labour unions.

²⁶ The Public Service (Negotiating, Consultative and Dispute Settlement Machinery) Act of 2008

3.3.132 Staff Associations are provided for in paragraphs 7-9 of Section G-a of the Standing Orders; and paragraph 8 specifically provides that:

“Government will recognise those associations established by public officers for the purpose of negotiations, concerning the general terms and conditions of service or consultations on any other matter of a general nature affecting public officers.”

3.3.133 The provision above seems to validate the actions of the staff associations at KyU but section G-a8 of the Standing Orders provides and clarifies that public officers are free to:

“(a) join specialist or group associations open to everybody resident in or outside Uganda provided such bodies concern themselves with purely professional, recreational, religious, cultural or sporting activities;

(b) establish or join associations whose membership is restricted to public officers but which are mainly concerned with specialised, professional or group interests;

(c) establish and join consumer cooperatives in accordance with the general principles of the cooperative movement.”

3.3.134 However, before that, section G-a 2 provides that in conducting their business, Public Service Labour Unions and Staff Associations will be governed by the laws of Uganda, their Constitutions and general rules of conduct. Section G-a 3 then specifically provides that subject to the Constitution, public officers shall enjoy freedom of assembly and association and shall have the right to form or join a labour union of their choice for the promotion and protection of their economic and social interests; collective bargaining and representation and withdrawal of their labour in accordance with the law.

3.3.135 It therefore appears that the functions for which staff associations can be formed are different from the functions for

which labour unions are created and registered. While staff associations should be concerned with purely professional, recreational, religious or sporting activities, labour unions are meant for the promotion and protection of economic and social interests of their members. Therefore, while a labour union can concern itself with the professional as well as the economic interests of a group, a staff association cannot concern itself with economic interests of its members, except as a consumer cooperative.

- 3.3.136 The Negotiating, Consultative and Dispute Settlement Act distinguishes between matters over which negotiations and consultations have to be held with Government in Appendix 2 thereof. Negotiable items include salaries and allowances, hours of work health and safety, leave, redundancy, medical expenses, funeral expenses retirement and other benefits. Items for consultation include disciplinary procedures, welfare, promotion and training.
- 3.3.137 Negotiations with government have to be conducted by the designated labour unions specified in the Public Service (Negotiating, Consultative and Dispute Settlement Machinery) (Designation of Public Service Labour Unions) Instrument, No. 56 of 2011. Regulation 2 of the Instrument provides that the unions named therein are the designated unions for purposes of the Public Service (Negotiating, Consultative and Dispute Settlement Machinery) Act.
- 3.3.138 Section G-b of the Public Service Standing Orders re-echoes the provisions of the Negotiating, Consultative and Disputes Settlement Act; section G-b 4 of the Standing Orders provides that negotiation will be handled within the framework of the Labour Union Act, Budget Act, Public Service Act, Public Finance and Accountability Act²⁷ and the Negotiating, Consultative and Disputes Settlement Act.
- 3.3.139 Section 8 (1) of the Negotiating, Consultative and Dispute Settlement Act provides that workers in the public service have

²⁷Now the Public Finance Management Act, 2015

the right to withdraw labour or call a strike in furtherance of a labour dispute, provided the negotiating machinery is exhausted. There is a similar provision in section G-b 6 of the Standing Orders.

- 3.3.140 The machinery is clearly set out in the Act and it starts with the signing of a recognition agreement by a registered union. There also must be a CBA in place between the employees and the employer and notice must be given as is required in sections 7 and/or 8 of the Negotiating, Consultative and Dispute Settlement Act.
- 3.3.141 Section 9 (3) of the Negotiating, Consultative and Dispute Settlement Act provides that any matter that contravenes any written law shall not be the subject of negotiations. It is then emphasised in Section G-a 6 of the Standing Orders that a public officer shall not disregard the laws and regulations that govern the public service.
- 3.3.142 The provisions of all these laws were either totally ignored or unknown to the managers of KyU as well as the Ministry of Education at the time of the 2012-2013 KyU strikes. This is because the principal acts on unionisation and collective bargaining for the public service all came into force in 2008 and by 14th August 2012 the designated unions had signed agreements with Government and the National Negotiating Council had been inaugurated. In spite of this, in 2013, unregistered and unrecognised staff associations at KyU claimed the rights of registered unions and acted as though they were immune to actions in tort as well as criminal prosecution for disobedience of the law.
- 3.3.143 A good example of such unlawful behaviour is the strike that took place in August and September 2013. The strike was called by the amalgamated staff associations with demands that pending promotions of members of staff be effected, top-up allowances be increased and that the Vice Chancellor step aside to allow for an investigation of his alleged mismanagement of the University, as stated in **Annexes 1 and 3** to this report. The

leaders of the two staff associations and the union gave notice of an intended strike on 10th August 2012, the issues of their allowances and promotions were conceded to by Council on 22nd August 2012 but the demand for the VC to step aside was not satisfied.

- 3.3.144 Although the Council appointed a Committee to investigate the alleged mismanagement of the University by the VC, on the 22nd August 2012, only 12 days after the notice to withdraw their labour, the members of staff went on a sit down strike because the VC would not step aside and the Council had not compelled him to do so. The strike went on for almost one month and the University which had only just reopened for the semester had to close down; it was only re-opened when Council strongly coerced by the staff associations forced the VC to take his accumulated annual leave.
- 3.3.145 The removal of another member of staff in the public service is definitely not provided for in Appendix 2 to the Negotiating, Consultative and Dispute Settlement Act, which specifies matters over which negotiation and consultation can be held with government. The staff associations had through coercion of the Council obtained what was within their rights to obtain under the law. The strike to force the removal of the VC in the face of an ongoing investigation by the Committee set up by the Council was totally uncalled for, illegal and void. The strike would have been illegal even without the efforts that were being taken by the Council to investigate allegations against the VC.
- 3.3.146 In furtherance of the wish by some members of the staff associations to remove the VC, in October 2013, a section of lecturers went on strike protesting the decision of the High Court in Nakawa Miscellaneous Application No. 20 of 2013, which quashed the Council decision to remove the VC from office. In defiance of the decision of Justice Wilson Masaalu Musene, for which they could have been cited for contempt of court, members of staff kept the office of the VC locked and prevented him from gaining access to it.

- 3.3.147 Compliance with a court order is not a matter for negotiation or consultation with Government in any situation. In this case the strike against a court order demonstrated the high level of impunity and lawlessness that obtains at KyU, and the absence of a mature and professional leadership of the institution.
- 3.3.148 In order to support these illegalities and in furtherance of the disruptive and illegal behaviour of KyU staff, the University Council purported to file an Application for stay of execution in the Court of Appeal in order to keep the VC out of office.²⁸ Due to the absence of credible evidence in support in the affidavit of the University Secretary, Court was not blind to what was happening at KyU. Court formed the opinion that the intention of the University Council was to use “threats” to compel the court to decide in their favour. The application was therefore dismissed with costs with the following incisive findings/observations:

*“It clearly appears that the case of the applicant is that if this court does not issue an order of stay of execution ‘**all hell will break loose**’ at Kyambogo University. This Court cannot make decisions under threats. This is absolutely unacceptable. ...*

...

It appears to me that this application and the main application for stay herein were brought in bad faith. They are intended to defeat the order of the High Court and to keep the respondent on forced leave until his contract expires, as observed by the learned trial judge. The application if granted would alter the status quo prevailing since the High Court order was made.

I find that the respondent is at present lawfully in office and he is no longer on forced leave. To hold otherwise would be to alter the status quo. The act of the applicant’s employees denying the respondent physical access to his office can in no way be construed to mean that he is not

²⁸Kyambogo University v. Isaiah Omolo Ndiege, C/A Civil Application No. 341 of 2013

holding the office of Vice Chancellor of the Applicant University. It would be absurd to hold otherwise.

*This application is frivolous and devoid of merit. **I find that it was brought in bad faith and is an abuse of court process.***

- 3.3.149 Finally, section 7 of the Negotiating, Consultative and Dispute Settlement Act limits the possibility of strike action in the public service in respect of essential services. Such services are specified in the Sixth Schedule to the Act and they include education and health services. Part III of the Labour Disputes (Arbitration and Settlement) Act which provided for essential services and Schedule 2 thereunder were therefore consequentially amended with the coming into force of the Negotiating, Consultative and Dispute Settlement Act of 2008. Section 30 of the former only applies to the public service subject to the provisions of the latter.
- 3.3.150 Section 7 (2) of the Negotiating, Consultative and Dispute Settlement Act provides that where collective withdrawal of labour from any essential service is contemplated in furtherance of a labour dispute, notice of a strike shall not be valid unless it is accompanied by a certificate signed by the Chairperson of the Consultative Council, stating that 90 days have elapsed since the date of the report of the labour dispute to the Council, and the dispute settlement machinery has been exhausted.
- 3.3.151 It appears only the leadership of NUIE at KyU were aware of the law as it stands today and as it stood at the time. However, efforts by the leaders of NUIE to inform the Chairman of the Council that the strike was in fact illegal fell on deaf ears.²⁹ Members of NUEI who heeded the call not to withdraw their labour following an appeal to them by the Secretary NUEI were intimidated and harassed by ring leaders and supporters of the strike.

²⁹ The leaders of NUIE wrote to the Chairman of the Council on 20th August 2012 (**Annex 21**)

- 3.3.152 The University Secretary sought an opinion about the strike from the University lawyers, Kalenge, Bwanika, Ssawa & Co Advocates. In their opinion (**Annex 27**) the lawyers advised that ordinarily the associations had to be registered unions in order to engage in strike action and call for collective negotiations. They requested for information about their registration and went on to state that in the event that they were not registered and had no agreement, each of the individual employees involved was in breach of his contract of employment with KyU. The lawyers proposed to file a suit in court against the employees threatening industrial action and stop the strike by an order for an injunction from court.
- 3.3.153 In spite of this, the University Council which seemed not to have been informed of this advice or which was misadvised by the University Secretary and other senior managers, bowed down and accepted the wishes of the staff by coercion through an illegal strike; Council forced the Vice Chancellor to take his accumulated leave on the 15th September 2012.
- 3.3.154 The ring leaders who gave notice of the strike on 10th August 2012 and the ultimatum on 23rd August which resulted in the strike, Dr Charles K. Tweisgye (Chairperson of KYUASA and Betihamah Jackson (Chairperson of KYUSASA) continued to incite the rest of staff to stay on strike. They even made statements to the press bragging about how Government could not do anything to stop them because, as far as they were concerned, the strike was valid under the law. The utterances of the leaders of the strikes were reported about by various media houses with full cooperation of the perpetrators of the strikes.
- 3.3.155 After the University Council reversed its decision to have several managers subjected to an internal investigation over the mismanagement of the University and decided that only the VC, Prof Ndiege, would be investigated and so he ought to step aside to allow for this process to commence, there was celebration among members of staff. Jackson Betihamah came out to claim the results of this decision. In an interview with the Observer Newspaper (**Annex 28**)

he declared that he was the acclaimed leader of the strike and the resultant removal of the Vice chancellor. He stated,

“We quickly realised that we needed each other since our problems were similar; so we agreed to work together with KYUASA and the staff union and ensure that Ndiege was ousted.”³⁰

3.3.156 On the 23rd August 2012, Mr Betihamah Jackson and Dr. Tweisgye appeared on NTV News addressing cheering members of staff declaring the intention to lay down their tools unless the VC steps aside.

3.3.157 It was also reported that after the ruling of the court that quashed the decision of the KyU Council to remove Prof Ndiege from the office the Chairperson of KYUSASA, Jackson Betihamah, in an interview with the Observer Newspaper informed the public that the lecturers would remain on strike in spite of the court order, he stated thus:

“If he manages the University on his own, well we wish him the best. If he does not, let him respect the will of the majority.”

3.3.158 The KYUASA Chairman, Charles Twesigye joined in the press briefing to support the position that the VC should not return to his office. He was reported to have stated that,

“Parents and students are anxiously waiting for a peaceful end of year. As staff we cannot oppose what court has declared but we think Kyambogo University deserves better services for a conducive learning and research environment.”³¹

³⁰ “Betihamah: Kyambogo’s new chief whip,” The Observer, Monday, October 15-16, 2013

³¹ “Kyambogo Staff strike over Ndiege return,” The Observer, Wednesday, October 30-31, 2013

3.3.159 On the 13th November 2013, concerned about the continuing strike at Kyambogo and the failure to comply with the order of the High Court that quashed the decision of the University Council to dismiss Prof Ndiege, Cabinet considered the matter and resolved that the University Council implements the ruling of the court to the letter. In a letter to the Chairman of the University Council the Minister of Education informed him about the Cabinet decision and directed that all lecturers report on duty by Monday 18th November 2013; those that failed to do so would be considered to have absconded.

3.3.160 The KyU staff did not respect the directive and insisted they were still on strike. Betihamah Jackson continued to publicly air the defiance of Association to both the court order and the Cabinet decision and directive. On the 14th November 2013 it was reported in the Observer newspaper that³² Mr. Jackson Betihamah, Chairperson of KYUSASA, purported to speak for lecturers at KyU and stated thus,

“We are still on strike; we are protected by labour laws. No institution of Government will force us back to lecture rooms until Prof Ndiege is removed.”

...

“If they (the government) decided to sack us; there are some legal procedures that have to be followed. They failed to sack one man (Prof Ndiege), how can they go for thousands? Well, they may go down in history, that one day they sacked thousands of lecturers at Kyambogo.”

3.3.161 The illegal amalgamation of the staff associations with NUEI created an embarrassing anomaly in the dynamics at KyU. Jackson Betimahah was not a lecturer but a Warden of one of

³² “Kyambogo Staff Scoff at Cabinet Order,” The Observer, Friday, November 15-17, 2013

the halls of residence, and therefore relatively junior within the administrative hierarchy of the University. The impunity that had been encouraged or countenanced by the University Council catapulted this hall warden into a position where he held himself out as the representative and spokesperson of the academic staff of the university.

3.3.162 By 14th August 2012, the National Negotiating and Consultative Council had been inaugurated and could conduct business. However, KyU staff had not formed a Consultative Committee as is required by section 3 of the Act. The staff associations were not consultative committees; they acted more like unregistered labour unions contrary to the provisions of the Negotiating and Consultative Disputes Settlement Act and the Labour Unions Act. The rules of procedure for negotiations were therefore never followed in the negotiations/consultations with the University Council contrary to the provisions of the Act.

3.3.163 The internal negotiations between the members of the staff associations and KyU Council were never escalated to the National Negotiating and Consultative Council as is required by section 3 (5) of the Act. In fact the valid issues that could result in a dispute with the employer, that is the increment of salary top up allowances and promotions had been resolved by the University Council to the satisfaction of the staff. This was indicated in their letter to the Chairman of the Council dated 23rd August 2012 (Annex 3), in which they communicated the final ultimatum to withdraw their labour.

3.3.164 The demand that Prof Ndiege steps aside to facilitate an investigation against him by Council was not a valid dispute for consultation or negotiation under the law, though it was alleged that it affected staff welfare. Moreover, no valid notice of the strike was given within the terms of section 7 of the Negotiating and Consultative Disputes Settlement Act which requires notice of 90 days since a report of the labour dispute is made to the Council; the strike began less than 24 hours after notice was given to the University Council, not the Consultative Council as is required by the Act.

- 3.3.165 Section 9 of the Negotiating and Consultative Disputes Settlement Act provides that a person who contravenes any provision of the Act commits an offence and is liable on conviction, to a fine not exceeding fifty currency points or imprisonment not exceeding six months. The omission to follow the relevant laws in the strike action that occurred at KyU in 2012 and 2013 amounted to criminal conduct for which the persons responsible for inciting staff members to strike could have been prosecuted in the courts.
- 3.3.166 Failing that, Regulation 27 of the Terms and Conditions of Service of KyU Staff (2005) provided for Conduct and Discipline. Under sub-regulation 27 (u) it was provided that a member of staff who conducts himself/herself in a manner prejudicial to the University may be dismissed. In addition, section F-s 2 (r) of the Public Service Standing Orders provides that misconduct shall include incitement with intent to cause disobedience or a strike undermining administration.
- 3.3.167 Regulation 33 of the Terms and Conditions of Service for Kyambogo University Staff (2005) provided for a grievance handling machinery to facilitate the resolution of disputes between staff and their employer. Grievances between staff and the employer had to be processed through a Grievance Committee constituted by 7 members; KYUASA (2), KYUSASA (2), and NUEI (2), appointed by the Staff Associations. The HR Manager would be the Chairperson. The role of the Committee was to conciliate between members of staff and the employer.
- 3.3.168 However, it seems the Grievance Committee was suitable for handling complaints between individual members of staff and their supervisors. There seems to be no mechanism for addressing complaints between large numbers of staff and the KyU administration. As a result a culture developed where collective staff grievances were addressed through the staff associations. Where resolution was not achieved, the staff associations demanded action by threats and intimidation of management and the University Council. This negative culture

continued even after Government provided formal legal mechanisms for consultation and negotiation of disputes for the public service.

- 3.3.169 It is apparent that the University Council failed to take its position as the supreme governing body of KyU. It was instead pushed into a position where it continued to negotiate with staff engaged in illegal strikes. Council even went ahead to try and validate the illegal demands of staff by filing actions in court to support their unreasonable demands, contrary to the advice of the lawyers M/s Kalenge, Bwanika, Saawa & Co, Advocates and the leaders of NUIE, Kyambogo Branch.
- 3.3.170 It was observed that the response of the Council in the circumstances seemed to validate the allegations of some members of staff and the Council that the strikes for the removal of Prof Ndiege from office were orchestrated, supported and encouraged by some members of KyU top management and the Council.

Students Guild

- 3.3.171 A Students Association is provided for by section 69 of UOTIA. It is supposed to be constituted by the statutes made by the University Council, to be guided by a constitution drawn by the students' body of the University, but in conformity with the statutes of the University.
- 3.3.172 It was established that the roles of the Guild are to forward students' views and grievances to the Guild Representative Council (GRC), represent the Guild outside the University, disseminate policies and decisions taken by the GRC to the student body, participate in proceedings of GRC, and make the GRC Code of Conduct, among others.
- 3.3.173 The Students Guild is also supposed to attend to students' welfare issues in conjunction with the University authorities, together with the authorities ensure security, and coordinate

the care for sick students and the provision of medical facilities on campus.

3.3.174 It was established that although none of the policies of the University provide for it, the Students' Guild influenced the office of the University Secretary to allocate certain spaces at the campus, including within the halls of residence for generation of income by the Students Guild. It was also established that members of the Guild are sometimes co-opted by staff members to incite students to participate in strikes at the campus.

3.3.175 It was also established that due to the numbers of students it has influence over, the Guild can through strike action paralyse administrative processes and bring operations of the University to a halt. It also appears that the managers of the University have limited control over the Students' Guild. Efforts to stop the body from collecting rent from premises on the campus, which is really the sole preserve of the University Secretary have not yielded the desired result.

Student Strikes

3.3.176 The KyU Regulations, 2003 lay down the standard of conduct of students of the University. They contain rules about matters that affect the life of the student on KyU campus as well as the conduct of students who stay off the campus. However, they do not provide for grievance handling procedures.

3.3.177 The Constitution of the Students Guild states some of the aims and objectives of the Guild as working with the University Administration in matters affecting the Guild members and to improve matters of interest to the University; and to seek representation and or participation in or on organs of the University Administration. Impliedly, the Guild would be the body to initiate the resolution of grievances between the managers of the University and students.

- 3.3.178 It is expected that because students are represented on the University Council they have access to redress through council meetings by raising issues that affect them. However, it may not be feasible because of the size and broad base of the Council through which employees have a larger number. This may be the reason why the student community resorts to strikes in order to be heard by the administrators. This also seems to have become the culture of the student community at KyU.
- 3.3.179 Respondents interviewed by the IG investigation team stated that there is an increasing trend of drug abuse in public tertiary institutions which has contributed to the hooliganism observed in most of them. It was also stated that University administrations do not have the capacity to curb these vices since they are external.
- 3.3.180 The environment in which most of these institutions are situated makes it difficult to segregate between the students and persons from the surrounding environment. Most are surrounded by slums with criminals that take advantage of the large numbers of students to carry on their illegal activities on the campuses. Kyambogo University is no exception.
- 3.3.181 The increase in the lawlessness at public tertiary institutions could also be because the persons joining such institutions are considered to be relatively younger than happened earlier in the history of Uganda, immature and inexperienced. In addition, Universities seem to focus more exclusively on academics and offer no guidance to build character in the students, save for a few institutions founded and administered on the basis of religious principles and values.
- 3.3.182 Regulation 22 of the KyU Regulations provides that processions and demonstration at or outside the University shall be held only in accordance with the laws of Uganda but the VC must be given 24 hours' notice prior to a demonstration and permission of the police must be obtained. Mounting of roadblocks by students on any part of the University is prohibited.

Participation in any activity that is likely to cause a breach of the peace is also specifically prohibited.

- 3.3.183 Enforcement of the Student Regulations is through Hall Disciplinary Committees and the Students' Affairs and Welfare Committee. The Hall Disciplinary Committees are sub-committees of the Students' Welfare Committee which is constituted by a member of staff appointed by the Vice Chancellor as the Chairperson while the Warden is the Secretary to the Committee. Two members of staff appointed by the Dean of Students, the Hall Chairperson, the Minister for Campus Affairs and two students elected internally each year by the residents of the hall are members of each committee.
- 3.3.184 The Students' Affairs and Welfare Committee is the students Disciplinary Committee. It is constituted by 10 members of the KyU Council. The University Secretary is the Secretary to the Committee, while the Dean of Students and the University Senior Legal Officer are co-opted members. The Committee makes decisions about case referred to it by the Hall Disciplinary Committees.
- 3.3.185 Regulation 2 (a) of the KyU Regulations states that the University Regulations do not exclude the enforcement of the laws of Uganda against any student. As a result, KyU has tried to use both internal and external mechanisms to regulate the conduct of students and stop riots. However, efforts to punish the culprits that incite violence among students at KyU have not been fruitful.
- 3.3.186 In March 2012 there were strikes over various grievances of the students. Fourteen students alleged to have participated in the strikes were identified and suspended. Some were arrested and prosecuted in Court for taking part in a riot contrary to sections 65 (3) and 67 of the Penal Code Act. They were all acquitted because there was insufficient evidence to meet the required burden in criminal offences.³³ Several other students had been

³³ Uganda v. Kalinaki Amina, Kigozi Abu & 12 Others, Nakawa Magistrates Court, NAK-Co-161 of 2012

identified but were not arrested. They appeared before the Students' Welfare Committee of KyU but there was again insufficient evidence to prove offences against them.

- 3.3.187 On 17th September 2013, there was another strike and three students were arrested but released on police bond; they were suspended from the University. The students protested their suspension by bringing an application for Judicial Review in the High Court for the action taken against them by the University.³⁴ The application was successful for the reason that the students were suspended indefinitely by the Ag VC without being given a hearing, contrary to the principles of natural justice. An order was granted to restrain the University from taking any further administrative action against them and they were allowed to resume their studies.
- 3.3.188 On 20th September 2013 there was another strike in which two students were identified as ring leaders. They were given strong warnings and allowed to resume their studies at the University. This could be an indication that the administration was fatigued with the failures in this process before and was scaling down on efforts to deal with striking students externally.
- 3.3.189 The strikes by the students have sometimes been related to those incited and effected by the faculty and other members of staff at KyU. Students also have their own grievances and if the administration of the institution is in disarray it has a spill over effect onto the student community who are the main beneficiaries of the services provided by the institution. This is because the minimum grievance handling procedures availed to the students will not receive much attention when the main focus of the administrators is to see that they get the staff back to work.
- 3.3.190 It is therefore of paramount importance that the safeguards in the law that regulate the rights of employees in such public institutions from employing industrial action to claim their

³⁴ Daniel Jakisa & 2 Others v. Kyambogo University, Nakawa High Court M/A No 549 of 3012, Arising from HC Miscellaneous Cause No. 44 of 2013

rights is strictly enforced by institutions, Ministries concerned and the other law enforcement agencies such as the police and the courts.

- 3.3.191 The internal policing measures in the University also ought to be strengthened. The community at KyU like in any other institution of its nature and size is diverse. The KyU Security Office has a lot of information about the misdeeds of members of the staff and students. The office provides the necessary intelligence information required by the managers of the University to curb lawlessness among both students and staff members.
- 3.3.192 However, this office was during the term of Prof Omolo Ndiege perceived to be a vehicle for harassing members of staff by the VC. It was castigated for its role and its reports were often ignored by other managers, apart from the VC. If lawlessness at KyU is to be reduced or stopped, the attitudes of the community, especially members of staff of KyU towards the Security Office need to improve. There also needs to be better cooperation and coordination between the internal security organs and the Uganda Police at the University so that security information is relayed to them in good time to enable them to prevent riots and strikes.

4.0 Funding of Kyambogo University

- 4.1.1 KyU obtains funds for its operations and programmes through subventions from Government, collections of tuition, functional and other fees from students, rental income from University property and sale of produce from its farm (Appropriations in Aid) and funds from development partners.
- 4.1.2 The subvention from Government to Kyu for the last five years has not experienced much growth as is reflected in the table below:

Table 1: KyU Budget for FY 2012/2013 to 2015/2016

| A | GOU | 2012/13 | 2013/14 | 2014/15 | 2015/16 |
|-----------|-----------------------------|----------------|----------------|----------------|----------------|
| | Wage | 14.458 | 15.037 | 16.540 | 23.866 |
| | Non-/wage | 6.660 | 6.660 | 6.660 | 6.660 |
| | Capital | 0.223 | 0.423 | 0.223 | 0.223 |
| | Total | 21.34 | 21.919 | 23.423 | 30.749 |
| | | | | | |
| B. | Aid in Appropriation | | | | |
| | Wage | 6.404 | 7.268 | 6.871 | 6.167 |
| | Non- Wage | 31.470 | 31.825 | 36.208 | 39.031 |
| | Capital | 15.800 | 6.131 | 70177 | 5.208 |
| | Total | 53.674 | 45.224 | 50.526 | 50.406 |
| | | | | | |
| C. | GOU Taxes | 0.200 | 0.200 | | |
| | Grand Total | 75.291 | 67.343 | 73.949 | 81.155 |

4.1.3 According to the Ag VC, a comparison of the levels of government subvention to public universities in Uganda in FY 2011/2012 and 2012/2013 (**Annex 31**) came up with the conclusion that while KyU was the second largest public university in Uganda with a student population of about 3,049, it also had the lowest grant per government sponsored student of UGX 7.06m p.a. compared to the national average of UGX 14.4m. KyU also had the lowest non-wage grant per student at UGX 2.2m, compared to the national average of UGX 2.9m. The KyU capital grant was also found to be the lowest at UGX 223 million per year.

4.1.4 The limited funding provided to KyU by Government has its origins in the history of the institution. In its 2007 investigation about alleged corruption at KyU, IG established that there was inadequate funding to implement the intentions of the framers of the merger of the three institutions to form the University.

4.1.5 This was because the Minister at the time was of the view that the funds provided for the three institutions that were merged were sufficient to cater for the needs of the new University. The Minister was also of the view that the infrastructure held by the three institutions would be sufficient to hold the new University.

As a result, no seed capital was provided by Government for the formation of the KyU. Funding constraints therefore continue to be a common feature in the stunted development of this institution.

- 4.1.6 The budget neutral basis for the establishment of the University should have resulted into a small institution of about 1000 students in 2003. However, the university opted to increase its resources through the admission of private students. In FY 2007/2008 government subvention was 50% of the total funds available but in FY 2010/2011 and 2013/2014 the government subvention went down to 38% and 35%, respectively. As a result in 2013/2014 the university had to raise Ugx 2/= for every Ugx 1/= provided by GOU.
- 4.1.7 During the course of the investigations requested by Parliament, IG investigated a compliant where it was alleged that on 15th February 2013, KyU Council, without considering the pathetic and deplorable financial position of the University, resolved to increase salary top-up allowances for all its members of staff. Further that this was despite the fact that KyU's budget performance had for a long time been miserable (below 20%). It was further alleged that at the time there was a shortage of teaching and learning materials, service providers were not being paid regularly and the infrastructure within the University was in a deplorable condition.
- 4.1.8 The IG investigation established that the administration of KyU was constrained by debts owed to suppliers. While such debts had been reduced to UGX 1,702,973,723 by 30th June 2013, in the first three months of the FY 2013/2014 debts due had increased by UGX 1,396,222,098. Although there was some evidence that suppliers were being paid, the total indebtedness of the KYU remained high.
- 4.1.9 It was also established that in 2013, Council did not seriously consider the infrastructure needs of the University in relation to

the demands for increase in top-up allowances. Although the Council was made aware of the decreasing revenues of the University, it still approved the increase. The increase in top-up salary allowances was driven by demands and threats from the various staff associations at KyU.

4.1.10 The infrastructure at KyU Campus is still in a deplorable state and the financial situation of the University makes it difficult to carry out major renovations as planned. The University Secretary admitted that management was unable to fully provide services and meet students' needs due to the declining financial status of the University.

4.1.11 It was further established that the University found it difficult to make payments to part time teaching staff, and lecturers neglected their role due to a failure by management to meet its obligations. The level of indebtedness has continued to rise and by the end of FY 2014/2015 the University was indebted as is show in the table below:

Table 2: Summary of Payables for FY 2013/2014 and 2014/2015

| | 2013/14 | 2014/15 | TOTAL |
|--|----------------|----------------|---------------|
| Suppliers Goods & Services | 919,602,812 | 4,036,466,342 | 4,956,069,154 |
| Part time Teaching Allowances | 2,236,956,592 | 2,515,798,000 | 4,752,754,592 |
| Exam Related Allowances | 1,286,059,373 | | 1,286,059,373 |
| Other staff Allowances | | 156,023,315 | 156,023,315 |
| Salary Deduction Arrears June 2015 | | 510,279,846 | 510,279,846 |
| Salary Arrears 2003-2006 | | 1,791,208,827 | 1,791,208,827 |
| Salary Arrears- FY 2007-13 | 182,906,014 | | 182,906,014 |
| Gratuity & Retirement Benefit FY 2014/15 | | 988,603,213 | 988,603,213 |
| NSSF 10%(March April, May June 2015) | | 745,223,228 | 745,223,228 |
| Total | | | |

| | | | |
|--|--|--|-----------------------|
| | | | 15,369,127,562 |
|--|--|--|-----------------------|

- 4.1.12 By the time of completing preparation of this report it was reported that the University had failed to pay its electricity bills for several months and had been disconnected from the service. Staff allowances were also unpaid for several months. According to a press statement by the VC the managers were negotiating for funding with the Ministry of Finance to pay off some of the debts and see that the financial situation of the institution improves.³⁵
- 4.1.13 The low levels of academic staff have a negative impact on the financial position of the university. It was established that the academic staff at KyU work for very few hours per week compared to staff in other public universities. The workload that guides the activities of teaching staff which was developed by Senate and approved by the University Council seems to be the cause of the challenges now being experienced in meeting the demands for payments to lecturers. The table below shows the workload of the teaching staff at KyU.

| Academic staff | Teaching load | Preparation | Research supervision | Administration |
|--------------------------|------------------------------------|--------------------|---------------------------------------|-----------------------|
| Deans | 4 contact hours or one course unit | 3-4 hours | 10-12 contact hours or 3 course units | 20-24 hours |
| Head of Department | 6 contact hours or 2 Course Units | 6-8 hours | 10-12 contact hours or 3 course units | 12-18 hours |
| Examination Coordinators | 6 contact hours or 2 Course Units | 6-8 hours | 10-12 contact hours or 3 course units | 12-18 hours |
| Lecturers | 10 contact hours or 3 Course Units | 10-12 hours | 10-12 contact hours or 3 course units | 4-10 hours |

³⁵ "Kyambogo University broke – VC," *Saturday Monitor*, August 1, 2015

- 4.1.14 Lecturers are expected to have 10 hours a week as contact with students. This means that each lecturer teaches for only two hours each day. Any hours above the 10 hrs that are designated for contact with students are then in effect sold to the University in terms of extra load. Some lecturers spend those hours teaching in other institutions around the country.
- 4.1.15 A reliable source informed IG investigators that the time allotted for preparation of lectures by lecturers (10-12 hours) is not realistic because lecturers do not spend as much time preparing to teach as they spend teaching. It is also known that most lecturers use old teaching notes that were prepared years ago; there is hardly any new information given to undergraduates. The time allotted to research is also not feasible because almost all the research carried out at KyU is undergraduate research which is not paid for in most universities. It would not require a lecturer to take 10-12 hrs a week supervising undergraduate research.
- 4.1.16 It has been established that because of this distribution of their workload, full-time lecturers work during the day for a salary and any hours taught beyond the 10 hours have to be paid for. Each member of the teaching staff is allowed up to 20 hours a week, which is greater than the normal teaching hours for day teaching. Bargaining for the extra hours within departments often results in disagreements and conflicts.
- 4.1.17 It was established that the workload shown above was developed by teaching staff and approved by Senate. It was then approved wholesale by the University Council without any consideration for the availability of funds that would be required to meet the obligations of the University. At present the University has failed to pay off some of the outstanding allowances to lecturers given as UGX

4,752,754,592. And although it is defined as part-time teaching allowances in **Table 2** above, some of the money is actually due to full-time lecturers who sell part of their time to the University as part-timers would.

- 4.1.18 According to the KyU Human Resource Manual (2014) KyU pays 29 different types of allowances to members of staff. Some of these allowances relate to work that academic staff would be expected to do in the course of their normal employment. Examples include allowances for setting examinations, invigilation, marking and supervising research, including that done by undergraduate students. It was established that such allowances have been abolished in other public universities, except where temporary or external lecturers are employed to assist internal lecturers. The continuation of payment of such allowances is totally unsustainable and should be reconsidered by the University Council.
- 4.1.19 In his statement the Acting VC, Prof Katunguka, said that the indebtedness of the institution can be explained by the increasing cost of living which is not supported by any increase in funding from Government, and the consistent rates of fees charged for private students since FY 2009/2010. He also stated that the rates of tuition fees charged from private students at KyU are the lowest among public universities.
- 4.1.20 Prof Katunguka also stated that the cost of teaching materials for the institution which specialises in the teaching of science, engineering and teachers for special needs is high. The cost of the materials has also been rising due to inflation and the fact that many of the materials are crafted from imported products.
- 4.1.21 The dilapidated infrastructure attracts high costs of maintenance with persistent break downs of the sewerage

system which has to be attended to urgently in order to forestall riots by students. The Ag VC revealed that the situation above is exacerbated by the decreasing numbers of students; student intake declined from 23,493 in FY 2011/2012 to about 18,000 in 2014/2015. The collection of tuition and other fees from students therefore reduced substantially.

- 4.1.22 Kyambogo University is the only public institution mandated to oversee the training of teachers at Early Childhood Development, Grade III and Grade IV levels in Uganda. All other institutions must therefore affiliate with Kyambogo University to award recognised certificates and diplomas in Uganda. This mandate therefore gives Kyambogo University a stranglehold on teacher training in Uganda at the three levels.
- 4.1.23 Previously, ITEK was mandated to train teachers in Primary Teachers Colleges (PTCs) and National Teachers Colleges (NTCs) by the Ministry of Education and Sports. In 2014, the university was saddled with the mandate to oversee teacher training in all Early Child Development (ECD) institutions by the Ministry of Education, Science, Technology and Sports.
- 4.1.24 The number of ECD, PTC and NTC institutions officially recognised by Kyambogo University is in four (04) categories as summarised below:

| Category | No. of Government institutions | No. of Private institutions | Total No. of Institutions |
|--|---------------------------------------|------------------------------------|----------------------------------|
| 4.1.25 Primary Teachers' Colleges | 45 | 10 | 55 |
| National Teachers' College | 05 | 02 | 07 |
| Early Childhood Development Teacher Training Centres | - | 24 | 24 |
| Other Affiliated Institutions | - | 23 | 23 |

iversity fulfils its role in PTCs, ECDs and NTCs by overseeing the following academic programmes in the institutions:

| | Programme | Institution concerned | Award (KYU as an awarding institution) |
|---|--|--|---|
| 1 | Diploma in Education Secondary | National Teachers' Colleges | Grade V Teacher Diploma/ Diploma- DES |
| 2 | Diploma in Education Primary | National Teachers' Colleges | Grade V Teacher Diploma/ Diploma- DEP |
| 3 | Certificate in Primary Teacher Education | Primary Teachers' Colleges | Grade III Teacher Certificate |
| 4 | Certificate in Early Childhood Development Programme | Early Childhood Development Teacher Training Centres | Nursery/Pre-primary Teacher Certificate |

- 4.1.26 The functions above are performed by the Faculty of Education through the Department of Teacher Education and Development Studies in liaison with the Ministry of Education, Science, Technology and Sports, National Curriculum Development Centre and the Directorate of Education Standards (formerly Education Standards Agency). However, this has presented a challenge of improving the learning environment by continuously re-tooling the tutors for the new curriculum and providing adequate and relevant learning materials for the learners, including use of ICT and e-resources.
- 4.1.27 The impact of ECD/PTC/NTC support activities on Kyambogo University operations results from the overlap of the activities under the two mandates of the University. The ECD/PTC/NTC support activities rely significantly on staff of the Teacher Education Department, for moderation of exams, technical support, exam invigilation, external examination and school practice moderation.
- 4.1.28 The activities of ECDs, PTCs and NTCs tremendously overlap with normal on campus activities of the University, yet this overlap is not properly planned for. As a result the technical support activities performed by Teacher Education Department staff grossly contribute to absenteeism among lecturers during the Semester. Staff is continuously engaged throughout the year which results in teaching staff performing their official on-campus duties on part time basis. This deprives the students on campus of planned study/instruction time.

- 4.1.29 The extension services provided by KyU are paid for privately by students in the colleges. KyU receives no funds from government to support coordination, and quality assurance of teacher education in the colleges. The work also encroaches on the financial resources of KyU.
- 4.1.30 Respondents interviewed by IG stated that the current tuition fees paid by students in public universities are not adequate to enable the institutions provide quality education. Attempts to raise the tuition fees have been the cause of discontent among students who know that all they need to do to stop increment of fees is to politicize the matter and go on strike. Government has most times come in and appears to support the students.
- 4.1.31 It was also established that Government determines the tuition fees payable for the students it sponsors which are usually low, compared to the cost of providing the services required. In addition, Universities have been unable to force Government to pay fees for students sponsored by it in time. There are similar delays in payment of tuition fees for the students sponsored by State House.
- 4.1.32 Delayed remittances by Government have been a constant cause of disquiet among private students who see themselves unfairly put to task to pay up their dues yet Government cannot be forced to come up with fees for government sponsored students. This has resulted in unrest and sometimes strikes at public universities and KyU is not an exception.
- 4.1.33 The situation at Kyambogo has been most unfortunate because even revenues that could have gone to improve the management of the University have been mismanaged. In 2013/2014, IG received complaints that there was massive theft of tuition fees facilitated by members of staff, sometimes in collusion with students of KyU. The Report of the Auditor General on Special Investigations on the Operations of KyU (July 2014) showed that for the FYs 2009/2010 to 2011/012 there was a discrepancy in accountability for revenue of UGX 8,923,814,082

because only a total of UGX 71,913,461,494/= was recorded as collected compared to UGX 80,842,275,576/= that should have been collected on the basis of the number of students that sat for examinations.

- 4.1.34 The same report showed that for the FY 2010/2011, a sum of UGX 4,343,299,348/= was receipted by desk officers in the various faculties but it was not supported by corresponding banking onto the University bank accounts. The IG investigations established that forged receipts and bank slips were issued by staff of KyU to students which resulted in these discrepancies. Investigations are still going on to identify the culprits.
- 4.1.35 In addition, the collection of rent from premises, management of the farms and workshops was found to be poor, leaving room for persistent losses. This included use of workshops by outsiders for their own businesses leaving the University to pay the bills for the large amounts of power expended with no benefit to students. The collection of rent from university houses let to members of staff was also found to be inefficient.
- 4.1.36 It was apparent that the University Secretary and University Bursar, either due to incompetence or negligence, failed to put in place proper policies and procedures for the collection of fees and the management of income generating assets of the University. They also failed to stop excessive payment of unauthorised allowances.
- 4.1.37 Though the University depends on subventions from government and fees from private students, both are inadequate to meet the cost of effectively running the institution. KyU highly depends on fees paid by private students (67%) to finance its budget. The seed capital that was meant to be provided for the establishment of the institution has never been provided leading to the continuation of the institution limping on and trying to raise funds from private students. This position is unsustainable in the long run and may lead to closure of the University due to the heavy debt burden.

4.1.38 Without affirmative financial support from Government, the University will not be able to implement its strategic plan. In the period ending 2012/2018 the University requires UGX 100 billion to implement 25% of its Master Plan for Physical infrastructure and ICT facilities.

5.0 Recommendations

5.0.1 Government should consider the original concept of having Kyambogo University converted into a federal University with constituent colleges, and the continued maintenance of the core characteristics of the three merged institutions (ITEK, UPK and UNISE) with a view to emphasising the teaching of practical courses in science and technology, and research in those areas.

5.0.2 An independent organizational development assessment of KyU should be carried out in order to establish its weaknesses and strengths, as well as its vision and mission with a view to formulating the new strategic direction for the institution for the future.

5.0.3 A qualified Change Manager should be recruited to align the current realities with the original merger strategy for the three institutions and develop a comprehensive Change Management Plan, including dealing with the toxic culture that has developed in the institution since its establishment.

5.0.4 A review of all KyU programmes should be done to ensure that they are worth continuing with and that there is no duplication or continuation of programmes that are not worthy of the status of university degrees; the accreditation of suitable programmes should be completed as a priority.

5.0.5 UOTIA should be amended in order to reduce numbers of the members of the University Council and specify persons with the relevant technical skills and knowledge to become members of the Council to replace the broad based organ representing constituencies that the Council is at present.

- 5.0.6 The University Secretary should expedite the development of a charter specifying the functions of the University Council in detail and the procedures for meetings of the Council and its Committees.
- 5.0.7 Members of the Council should always be inducted into their roles as such at the earliest opportunity after their appointment. Induction should include introduction to the principles of natural justice and corporate governance so that those who are not versed with these principles can also execute their mandate in a professional and ethical manner.
- 5.0.8 Section 43 of UOTIA should be amended to remove the possibility of the Chairperson of the Council being a member of all Committees of the Council.
- 5.0.9 Section 55 of UOTIA should also be amended to provide for a more objective and independent appointment of the VC and DVCs, as well as provide clear and objective criteria for their removal from office including guaranteeing the right to a fair hearing. VC and DVCs should not be subject to disciplinary proceedings before the Appointments Board but an independent body should be identified or formed through which they can be disciplined in a fair and objective manner.
- 5.0.10 The University Secretary should through the University Council put in place regulations or guidelines for the proceedings of the Appointments Board taking into consideration the provisions of Article 28 and 42 of the Constitution of the Republic of Uganda, which provide for the rights to a fair hearing and to just and fair treatment in administrative decisions.
- 5.0.11 UOTIA should be amended to remove the current conflicts of interest that are inherent in having all members of the Appointments Board elected by the University Council from among its members, and including members from other institutions that could provide guidance on recruitment, appointment, dismissal and other disciplinary processes, such as

representatives of the Ministry of Public Service, Public Service Commission and the Office of the Solicitor General.

5.0.12 Apart from being the CEO of the University, the VC should as a priority focus on his role as the Chairperson of Senate and ensure that its objects and functions are given priority by the managers of the University and the University Council.

5.0.13 The Senate and the University Council should expedite the process of developing regulations/guidelines for the conduct of Senate business, including providing timelines for activities of faculties, departments and Senate. Efforts should also be made to improve the co-ordination between Senate, faculties and departments through a strengthened office of the Academic Registrar.

5.0.14 Senate should ensure strict enforcement of provisions set in its regulations for assessment and award of degrees, diplomas and certificates, as well as deal appropriately and timely with any allegations of academic and examination malpractices.

5.0.15 The UOTIA should be amended to remove overlapping roles between the various offices created under Part VIII thereof, e.g. DVC (Academic) and Academic Registrar, bursar and accounting officer.

5.0.16 KyU Council should be facilitated in the recruitment processes for top managers of the University by provision of expertise that will enable it to search for and recruit staff of a high calibre, in a competitive recruitment process devoid of the conflicts of interest now present in recruitments at KyU.

5.0.17 For the avoidance of doubt the UOTIA should be amended in sections 31 and 33 relating to the roles and functions of the Vice Chancellor and the University Secretary in order to bring it in conformity with the Public Finance and Management Act and the regulations under it.

- 5.0.18 In the short run the University Council should on appointment of the VC and University Secretary provide the two officers with contracts that clearly specify their roles and functions as distinct from each other, and clear job descriptions to guide the rest of staff on the roles of each of them. The job descriptions for the University Secretary and Vice Chancellor should clearly delineate each of their roles and responsibilities in order to minimize conflict.
- 5.0.19 KyU should recruit a competent University Secretary with specialised financial and administration skills, and a track record of experience similar to that of competent Permanent Secretaries employed by Government in the Public Service.
- 5.0.20 KyU Council should ensure recruitment of a Vice Chancellor with good academic, financial and administrative skills to enable him exercise oversight and supervision of the top managers and good interpersonal skills that will enable him/her inspire and create a team out of the top managers of the University.
- 5.0.21 KyU should arrange programmes for development of leadership and supervisory skills for Deans and heads of departments to enable them deal with indiscipline among their supervisees and improve performance of academic staff.
- 5.0.22 The UOTIA should be amended in section 56 in order to bring it in conformity with the provisions of the Public Service (Consultative, Negotiating and Dispute Resolution Mechanisms) Act; UOTIA should reflect the current legal regime by specifying the purpose and functions of the University Staff Associations.
- 5.0.23 The University Council and the Ministry of Education, Science, Technology and Sports should ensure that staff of KyU strictly complies with the mechanisms for consultation and negotiation under the Public Service (Consultative, Negotiating and Dispute Resolution Mechanisms) Act whenever there is need to review and improve their terms and conditions of service and welfare needs, in order to avoid being manipulated by errant striking members of staff.

- 5.0.24 KyU management and the University Council should strictly enforce the provisions of the Public Service Standing Orders and the Public Service (Consultative, Negotiating and Dispute Resolution Mechanisms) Act which limits labour unionist interventions by staff members who are providers of essential services as is specified by the Act.
- 5.0.25 The members of staff that incited their colleagues to perpetrate the 2012 and 2013 strikes, Mr Betihamah Jackson, Dr. Charles K. Twesigye and Madina Lunkuse are culpable under the Public Service (Negotiating, Consultative and Dispute Settlement Machinery) Act, the Terms and Conditions of KyU Staff (2005) and the Public Service Standing Orders. They should be subjected to disciplinary action before the KyU Appointments Board.
- 5.0.26 The Dean of Students should through the University Council ensure that an amendment of the University Regulations for Students is effected providing clear grievance handling procedures for complaints against the administration, including provision for independent conciliators to mediate between the two.
- 5.0.27 The KyU Security Office should be strengthened to enable it support the Uganda Police and management of the University in carrying out internal policing measures and gathering intelligence information from the whole of the KyU community.
- 5.0.28 KyU should recruit and appoint a highly skilled and dedicated Dean of Students with excellent skills at resolving high level conflicts and with good people skills to enable management of the relationship between the student body and the managers of KyU.
- 5.0.29 KyU should persist in preventing indiscipline among students by subjecting perpetrators of strikes to both internal disciplinary proceedings and due process under criminal law.

- 5.0.30 The provision of UGX 223m for capital development to KyU is simply a drop in the ocean. Government should as a priority provide funds for the overhaul of the crumbling infrastructure of the University, such as replacing the asbestos roofs which are a health hazard to users and the very old and overwhelmed sanitary facilities and sewerage system built in the 1950 and 60s which has become too expensive to maintain, given the increase population of the university and the limited financial resources available.
- 5.0.31 Government should fund KyU adequately to enable the recruitment of academic staff to the level of at least 60% of the existing establishment in order to improve the ratio of academic staff to students and so meet the standards set by the NCHE; as well as develop their skills to the levels required to substantively fill the vacant positions of deans and heads of departments.
- 5.0.32 Government should also provide funds for the full establishment of the Postgraduate School in order for KyU to increase numbers of academic staff by training current academic staff internally in order to meet the staff/student ratios set by NCHE.
- 5.0.33 In the short-run Government should provide adequate funds to enable the University to recruit full and associate professors in order to improve the capacity of KyU to supervise PhD students.
- 5.0.34 The University Council should review the workload that was proposed by the teaching staff through Senate and approved by Council, as well as the rates that are being paid to lecturers in comparison to those paid to teaching staff in other Universities. The UOTIA should be amended to provide for a body to approve terms and conditions of service and remuneration of all staff in public Universities.
- 5.0.35 Future Government subventions to KyU should take into consideration its important role of supervising and moderating the programmes of the Primary Teachers Colleges National Teachers Colleges and the Early Childhood Development

Centres; a specific budget line should be provided for this purpose.

5.0.36 Government should also provide adequate funding to enable KyU implement the Master Plan that was developed for the vast pieces of land now lying idle and exposed to encroachment and fraudulent activities, which have led to substantial loss of this valuable and attractive asset.

INSPECTORATE OF GOVERNMENT
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