

Can Uganda's Public Universities Borrow a Leaf from Private Universities on The Issue of Strikes?

**Kayindu Vincent; Ganatusanga Haroon Sinan; and Kiggundu Zaharah Faridah
Kampala International University**

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ABSTRACT

Using qualitative approach, the current study was carried out in December 2022 in three private universities and one public university. One hundred ten students and 30 academic staff were the oral informants, selected randomly without considering the Faculties/Schools they were from. They were asked to explain why strikes have occurred in private to an extent that does not merit mention, yet in public universities they have occurred from time to time. The data were collected using oral interviews, as well as documentary review, such as the reports of the various visitation Committees to public universities. The majority of respondents noted that although salary, working conditions and students' affairs in public universities were far better than those in private universities, strikes by staff and students were too rare in private universities because of job insecurity, rampant unemployment in the country, employees working without appointment letters, the founders being "highly connected to the security agencies", having many informers, as well as the students being listened to so much.

Key words: Public universities; Private universities; Strikes

INTRODUCTION

Introduction

Higher education is expected to develop the intellectual capabilities of individuals to enable them understand and appreciate their environment. Changes in beliefs and attitudes towards work and society are also induced by classroom education. Thus, sanity should exist in the education field. Education planners and managers have a role to play in this endeavor. Education in this 21st Century is facing a number of ethical-related challenges. By 2022, there were 43 universities in Uganda. Of these, ten are public yet 33 are private, located in different regions of the country. The public ones are Makerere University, Busitema University, Gulu University, Kabale University, Kyambogo University, Mbarara University of Science and Technology, Muni University, Soroti University, Lira University, and Mountains of the Moon University. All universities in Uganda are guided by the Universities and Other Tertiary Institutions Act which was enacted in 2001, with subsequent amendments in 2006. It plays the regulatory and guiding role in the establishment and management of higher educational institutions and regulating the quality of higher education. The National Council for Higher Education was established under the Universities and Other Tertiary (The National Council for Higher Education, 2022).

Public universities have enrolled many students despite limited space (Muwagga-Mugagga, 2006). Though all public universities have few Government sponsored students and many private-sponsored students, and because of that, in some Colleges or Faculties private students study in shifts, the academic staff are facing challenges like perceived inadequate remuneration, delayed payment of Extra-load allowances, delayed payment of part-time academic staff, poor working conditions, arbitrary academic promotions, among others (National Council for Higher Education, 2017). The resultant effects of these perceived injustices are

persistent staff strikes and compromised work behaviour.

Thus, this paper addresses this problem by basing on primary and secondary sources that is, interviewing staff and students, as well as reviewing the relevant documents, such as the reports of the Visitation Committees to public universities in Uganda. Specifically, the study addressed the question of why many strikes have occurred in public universities where salary and conditions of work for staff are far better than those in private universities. In private universities where working conditions are generally poor, such strikes have occurred to a very small extent. Is there a possibility for public universities to learn from private universities?

Problem Statement

Public universities are faced with a problem of funding and sometimes un-necessary government intervention. Nevertheless, though the teaching staff in public universities are paid higher than their counterparts in private universities, and although the services (such as teaching, library, accommodation, feeding, internet, research) for students there are far better than those in private universities, there are persistent staff and students' strikes in some of these public universities than in the private universities (NCHE, 2017). Do private universities have a magic wand which can be borrowed by public universities to avert these strikes?

RELATED LITERATURE

The prevalence of strikes in public universities seemingly implies perceived institutional injustice. This is concerned with individual perceptions of unfairness and injustice treatment in the workplace. There are three forms of organizational injustice namely, Distributive injustice, Procedural injustice, and Interactional injustice. Distributive injustice refers to people's perceptions of unfairness of the outcomes they receive relative to their contributions, and to the outcomes and contributions of others. Procedural injustice involves people's perceptions of the unfairness of the processes by which outcomes are reached. Interactional injustice focuses on the interpersonal side of organizational practices. Although strikes are not the best way of expressing discontent, they have, on different occasions, occurred mainly in public universities in Uganda. For example:

In **November 2006**, there was a strike by staff of Makerere University demanding Government to honor a pledge it had made in April 2004 for a salary increase. The cause of this strike was purely related to Staff welfare. A year later, in **November 2007**, Makerere University was shut down for up to two months as lecturers laid down their tools and students turned rowdy over failure to study. In **February 2008**, Makerere University Students slipped out of a planned strike that was intended to be staged due to continued redundancy, following a strike by Academic Staff. The Students had for one week remained redundant, after their Lecturers went on strike protesting against the lack of adequate teaching materials. Students tried to seek out a peaceful solution to the stalemate between the Lecturers and the Government and resolved to give the conflicting parties a chance to iron out the problem amicably without resorting to violence. In **September 2011**, Makerere University was closed hardly two weeks into the new semester when authorities running the country's oldest University failed to break a deadlock over a strike by Academic Staff who were demanding enhanced pay and clearance of their pension arrears. Fear of a threat by Students to join the weeklong Lecturers' strike prompted the sudden closure and saw the University campus, from the gate through to the halls of residence, turned into a mini garrison with hundreds of heavily armed police. Lecturers also demanded that top up allowances that University administrators got be scrapped and that Government takes full responsibility of the payroll instead of the now shared salary payment between the University and Ministry of Public Service. In **2013**, there was a strike by Makerere University Staff demanding for a salary increment from Government. Government then made it clear that it did not have the

funds. Government then directed the University Council to consider using internally generated funds to provide an incentive to Staff so that they could call off the strike.

At Kyambogo University, strikes have also occurred, for example:

In July 2006, academic staff went on strike demanding that the then Vice Chancellor, 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. In 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. In October 2012, members of academic and support staff went on strike to demand that the then Vice Chancellor, step aside to enable investigations to be carried out on allegations that he mismanaged the university;

October 2013, a section of lecturers went on strike protesting a decision of the High Court that the then Vice Chancellor, who had been ousted by the University Council do return to the University and resume his office;

It is not only the academic staff striking,; even the students' strikes have, on many occasions, gone on strike. For instance, in **July 2014** there was a morning strike staged by Students of Makerere University over Management's decision to scrap meals in the halls of residence and the 10 per cent tuition increment policy for the new students. Makerere University Council had scrapped free meals to all students due to the high food prices and the financial squeeze at Uganda's biggest University. The Council, the Institution's top governing body, resolved that every student on the Government scholarship scheme should instead be given a daily meal allowance of UGX 2, 000. In **October 2014**, Makerere University students went on strike protesting a hike in graduation fees. This strike was again both a survival and welfare issue. The lack of effective consultation by University Management and Council before it was passed appears to have been interpreted by students as being intended to affect their welfare at the University. In **April 2016**- Students protested the Institution's decision to scrap 32 courses. The Report had recommended that 30 degree programmes be merged, 18 be restructured while 21 undergraduate diplomas, 11 undergraduate certificates and three degree programmes be phased out.

In March 2011, students of Kyambogo University 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. In 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 then Vice Chancellor. The Lecturers' alleged causes of these strikes were: Dissatisfaction among members of staff with the manner in which top officials of the University were appointed; Absence of Master and Strategic Plans; Limited academic representation on the Senate; Inadequate infrastructure; Poor administration; Inadequacy in handling academic issues, Insufficient funding; Alleged academic malpractice by alteration of marks, and withholding of marks to frustrate graduation of students; Alleged misuse of funds and failure to place students in schools and industries due to absence of funds for supervision; Failure to pay NSSF contributions due to misuse of funds irregular appointments and promotions; Failure to stop fraud in the collection of tuition and other fees by corrupt University officials; Failure to stop the massive leakage of Grade III and Primary Teachers examinations; Failure to facilitate lecturers to supervise school practice leading to falsifying of marks; being involved in insidious institutional politics; infighting and power struggles; maligning others and practicing a hands off, eyes off management style.

To make the matters worse, beginning on **1st August 2016**, the Non-teaching Staff went on strike demanding their back pay. The strike lasted three weeks and the Government agreed to pay them by the end

of October 2016; however, the Government failed to do so. In **November 2016**, President Museveni ordered the closure of Makerere due to staff and later Student strikes over unpaid arrears and lack of lectures respectively.

The Role of Visitation Committees

Public universities have increasingly faced challenges which have in the past necessitated the setting up of Committees and Task Forces, which included the McGregor Visitation Committee to Public Universities (2007) and the Omaswa Task Force (2014). Notwithstanding the latter efforts, there has been no abating to the escalation in discontent. Consequently, His Excellency the President of the Republic of Uganda in exercise of the powers vested in him as the Visitor by Section 26 of the Universities and other Tertiary Institutions Act 2001 as amended, appointed a nine (9) member Visitation Committee to look into the affairs of Makerere University. The appointment of the Committee followed the closure of the University on the 1st of November, 2016 by the Visitor, which action was triggered by uprisings by Staff and Students. The Committee was to examine these challenges, with a view to finding sustainable solutions. The Terms of Reference were: (1) To visit, study and make a situation analysis of Makerere University and causes of endemic strikes including but not limited to academic affairs, financial affairs, governance affairs, and student affairs, and make recommendations.

The sequential visitations and subsequent recommendations including those: from the Government White Paper on the Report of the Visitation Committee to Public Universities in Uganda, 2008, the McGregor Visitation Committee Report of 2007, the Omaswa Report of 2014 and the Kabaasa Reports seem not to have addressed the root causes of the challenges.

The Rwendeire Report investigated the Progress so far made in the implementation of the recommendations of the Government White Paper on the Report of the Visitation Committee to Public Universities in Uganda, 2008. (3) To study the three earlier Reports: the McGregor Visitation Committee, Omaswa, and Kabaasa Reports, and make actionable recommendations. (4) To conduct a special audit in financial management practices of Makerere University and if necessary conduct a forensic audit. (5) To conduct an audit in the population of students, teaching and non-teaching staff presently studying or working at Makerere in order to rule out “ghosts”.

The findings were: Inadequate Governance, Leadership and Management The composition of Makerere University Council with over 50 percent non-independent members (Staff and Students) results into conflict of interest clouding objectivity. The system of election of University Executives, College Principals, School Deans and Heads of Departments being divisive and had failed to deliver the minimum required leadership. This practice often results into polarisation of the University Community due to: caucusing, management indecision and gaps in management accountability. The search practice had resulted into inbreeding because it made it very difficult for competitive candidates outside Makerere University to be selected through this system. Other causes as per the findings of this Committee were Weak Structures for Engagement of Students, Staff, Parents/Guardians, and other Key Stakeholders; the structures and systems for engagement of key stakeholders of Makerere University being weak and in most cases non-functional for example, inadequate consultation prior to fees increment, among others. As such, Staff and Students resort to strikes as a platform for drawing the attention of University leadership and Government. The Committee further observed that the University did not have a system for engaging parents/guardians but held students personally responsible for fees payment. It was also found out that the inadequate Deployment of Information Technology Makerere University had chronic challenges resulting from heavily human-supported systems. Consequently, Student and Staff numbers were not known. The Committee found gross malfeasance in: academic records management including missing and changing students' marks, financial and human resource records. The Committee observed the limited integration of Information Technology (IT) in teaching, learning and monitoring of processes on the backdrop of obsolete and fragmented IT

systems

The Committee noted several weaknesses which reflected inadequacies in financial management, procurement, asset management and grants management resulting into financial loss at Makerere University. Regarding the quality of teaching and learning, the Committee found out that there were several approved academic-related policies in place. However, the Committee found evidence of non-adherence to the policies and inadequate monitoring of teaching and learning processes (e.g. some academic staff not fulfilling their set obligations). Although the average Student-Staff ratio at Makerere University is estimated at 1:27, COBAMS, CEES and COCIS have ratios in excess of 1:50 on the backdrop of unmatched scholarly infrastructure and limited essential materials. The Committee noted inadequacy in the involvement of the NCHE, professional bodies and employers in the periodic accreditation of systems, structures and programmes at Makerere.

METHODOLOGY

Using qualitative approach, a study was carried out in three private universities. Students and academic staff were the respondents. The researcher conducted oral interviews and asked 30 academic members of staff and 110 students who were selected randomly without considering the Faculties/Schools they were studying in. The 30 academic members of staff were asked a question on staff strikes, while the 110 students were asked a question on students' strikes. They were asked to explain why very few strikes have occurred in private universities yet in public universities they have occurred rampantly. Documentary review was also used. Reports of various visitation Committees were analysed.

FINDINGS

The respondents gave responses as presented in table 1:

Table 1 showing responses of students and lecturers on why strikes are minimal in private universities than in public universities

1.

Staff Strikes	N	%
Job insecurity in private universities	23	77
University managers using informers	20	67
Staff members have no appointment letters	22	73
Some university founders are highly connected to security agencies, hence one has to go slow on them	18	60
Some staff members perceive themselves as being on the mercy of the employer	17	57
There are many un employed graduates looking for jobs	19	63
Some have retired from public service/government jobs	13	43
Some lecturers are relatives of founders	11	37
Denominationalism of universities, hence a feeling of strong attachment	10	33
Financial resources are limited, hence even if one strikes, no money for salary incremen	10	33

2.

Students' Strikes	N	%
Management listens to students so much	68	61.8
Some students are sponsored by the respective universities	65	59.1
Students are treated so well since they are the customers	69	62.7
Whoever instigates others is dismissed immediately	39	35.5
Students spy one another	55	59.1
Lecturers and management usually dance on tunes of students	48	43.6

Source: Primary data, 2022

Based on table 1, it is evident that strikes are very few in private universities as compared to public universities because of the situational factors, as well as the administrative strategies put in place. Specifically, the respondents reported that many academic staff do not have appointment letters (as reported by 73% of the respondents); job insecurity (as reported by 77% of the respondents); university managers using informers such that the problem of impending strike is detected before it occurs and hence addressed quickly. Other reasons cited by the respondents were general unemployment in the country, using relatives as employees, staff and students spying one another, as well as students being listened to so much since they are the customers. Interestingly, some academics are on the mercy of the employers as reported by 57% of the respondents. On this, one lecturer said, *“I graduated with a Bachelors and Masters degree from this private university which gave me a 50% scholarship when I was a student.. I have done several interviews in public universities but I have not succeeded as during the interviews, the panellists seemingly minimise the university from where I graduated. Therefore, I can’t strike since this university is my bread-earner. Without this job, the many souls behind me may find it hard to survive”*.

This relates to a revelation made by a certain gentleman, a PhD holder teaching Educational-related courses in one private university. He had retired from Makerere University because of age. *He said, “Striking is done by young men and women not by people of my age. At my age, what can I be looking for to strike? Besides, many private universities do not need old people since they are perceived to be having many problems, as well as being inefficient.. So, an old man of my age cannot go on strike”*. This statement implies that some academic staff in private universities are on the mercy of the employers.

During the interaction with students and lecturers, it was revealed that private universities invest heavily in the informers. Almost in every department or faculty there are several students, lecturers and non-teaching staff who feed university founders with information on what is going on, what students and staff are talking about the university and those who talk negatively about the university can lose their jobs very quickly. They said, *“Once you are reported that you talk negatively about the institution, the simplest way of sacking you is by removing your name from the timetable”*. This shows that private universities usually use intimidation methods of work and because people don’t want to lose their jobs, they succumb to the intimidation, hence limited staff strikes.

DISCUSSION

From the findings above, it is evident that the academic staff in private universities are aware that their counterparts in public universities are receiving salary and emoluments which are far better than what they receive in private universities. Even the students feel that their counterparts in public universities have better learning environment and facilities. Despite this, strikes are too rare in private universities. This is seemingly in line with the moralists’ assertions on the nature of human beings. By nature, human beings are

complicated, ungrateful and they hardly appreciate. This is seemingly the case with dons in public institutions. Whereas some academic staff might be comparing the salary they receive with that received by cabinet Ministers and Members of Parliament whose academic qualifications might be very low (S.6 certificate, Diploma or Bachelors degree), that may not justify strikes since Ministers and Lecturers have different job descriptions, and besides, Ministers are far fewer than academic staff in public universities (National Council for Higher Education (2017)).

Surprisingly, some of them quote a few sections of the law to justify their actions of strikes and ignore other sections 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.

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.

Hence, some of the staff strikes might be illegal. However, the illegality of an action does not guarantee its immorality. Academic 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 reluctant 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.

There are also allegations of fraudulent collection of tuition fees by staff members, sometimes in collusion with students. 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."

Indeed, it seems students think that through striking, their complaints can easily be worked on. This is probably why even in secondary schools strikes usually occur there. For instance, in February 2022, students of Kijomoro Secondary School in Maracha District went on strike. Four days later, St Joseph's College Ombaci followed suit. St Andrew's College and Hawa Comprehensive Secondary School in Moyo and Katrini Secondary School in Terego District also experienced student strikes. In the strike that occurred at Logoba Secondary School in Moyo District, students destroyed new and old computer laboratories in protest for being served beans instead of meat. In March, 2022, students of Muni University also went on strike over unpaid allowances. Students strike for various reasons, including poor nutrition, maladministration, poor teaching methods, poor communication, poor disciplinary implementation and demand for entertainment. Some students also go on strike under the influence of drugs and peer pressure.

The occurrence of strikes in 2022 after the schools' lockdown could have been due to the fact that the students had come back from Covid-19 lockdown where they had become unruly at home. So, they transferred that behaviour to schools. There is therefore need for the administrators to engage these students

in more with counselling as some students had lost morale and focus for studies.

Students' strikes are not only criminal but are also against the academic development of the students. In 2018, Uganda Human Rights Commission started debating competitions among schools in the West-Nile sub region to sensitise learners about the dangers of strikes. The debates were meant to teach students about the value of respect for human dignity, otherwise these strikes are dangerous and detrimental to the institutions, parents and even the students. For instance, June 2011: At least 191 students of Maracha SS were suspended over a strike; On June 13, 2012 Adumi Secondary school in Arua was closed over a strike; on June 14, 2012 Students of St Charles Lwanga in Koboko burn the school library; in November 2014 St Joseph's College Ombaci was closed after a strike. In suspending or expelling students, some fail to access other schools (Anguria, 2022).

It seems Oyera (2004)'s claims have an element of truth that many of the strikes that have taken place in schools have led to destruction of property. More are yet to take place, if the causes are not addressed. These riots are caused by the conduct of school authorities, the behaviour of students and to some extent the parents. On the part of management, some headteachers are absentee administrators. They have other businesses they do. They only come to school either to dismiss students or to attend board of governors and PTA meetings. Listening and resolving students and staff problems is not their priority. When these grievances accumulate with no solution students strike out of frustration. Some headteachers are corrupt, misappropriating funds at the expense of students and staff welfare, resulting in discontent and poor performance. This leads to strikes in some schools. If this is the case, it implies that strikes are avoidable if institutional managers can listen to the complaints of students and handle them. However, given the nature of human beings, it is almost impossible to fully satisfy them. Besides, some students take drugs like marijuana which reduce their sense of reason. Also, the fact that some students are used by those fighting the institution or administrators of the institution in question needs not be ignored. In universities, members of the parties opposing the government can use students to strike in public universities to make the government be perceived as less concerned with the funding of these universities. In the researcher's view, the corruption in government universities needs not be ignored as some administrators, after stealing money, can use students to strike, destroy evidence of the money stolen, as well as to give room to the administrators to make new exaggerated claims to replace the destroyed property. This makes the occurrence of strikes inevitable. Indeed, human behavior and decision-making are heavily affected by emotions – even in subtle ways that we may not always recognize. After making an emotionally-fueled decision, we tend to continue to use the imperfect reasoning behind it, and “a mild incidental emotion in decision-making can live longer than the emotional experience itself” as pointed out by Andrade & Ariely (2009).

CONCLUSION AND RECOMMENDATION

Whereas some academic members of staff and some students sponsored by the government in public universities have a superiority complex and are taking themselves high, which at times causes them to perceive those working in private universities as academic failures, the fact is that strikes are not the solution to discontent. In private institutions where the founders can immediately expel any student, employee or administrator on mere suspicion of involving him/herself in acts dangerous to the institution, such strikes have not occurred. Therefore, public universities can borrow a leaf from these private universities to avert strikes and also not to use “kid gloves” to the perpetrators of these strikes. Therefore, whereas democratic means of governing educational institutions is necessary, sometimes it is necessary not to be very soft on students and members of staff, otherwise they can take the administrators for granted. This is probably why, many times it is the mediocres who are usually the ring leaders. By striking, students loose studies yet the majority of them are on private sponsorship. The managers therein need not only to immediately address the complaints raised by students and staff, they should also be tough and employ

disciplinary measures on the mediocre members of staff and students who usually agitate strikes.

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