Shared Governance in Public Universities in Uganda: Current Concerns and Directions for Reform

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Abstract

This article focuses on Makerere University and Kyambogo University to highlight stakeholders' concerns pertaining to the shared governance framework for public universities in Uganda. It is anchored in the interpretivist lens and the data was derived from three state-sponsored reports on the two public universities. The secondary data was analysed using content analysis. The findings demonstrate that the size, composition, authority and effectiveness of the university council and the senate and the mode through which leaders assume office, are the salient governance concerns in the two universities. The results further show that, stakeholders' concerns regarding the current shared governance framework for public universities relate to the substance of the framework rather than its form or the framework itself. This suggests that the governance framework comprising the university council, the university senate and the administration is fit for purpose and in sync with the nature of the academy. Arguably, these governance organs (and the nature of their work) set a university apart from other organisations. Finally, without being prescriptive, the article sketches options for reform.

Key words: shared governance, concerns, public universities, challenges, transitional economies

Le présent article se concentre sur l'Université de Makerere et l'Université de Kyambogo pour mettre en lumière l'inquiétude des parties prenantes au sujet du modèle de gouvernance partagée dans les universités publiques

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en Ouganda. Il adopte un point de vue interprétativiste et s'appuie sur des données issues de trois rapports commandités par l'Etat sur ces deux universités publiques. Les données secondaires ont été traitées par une analyse de contenu. Les résultats démontrent que la taille, la composition, l'autorité et l'efficacité du conseil universitaire et du sénat de l'université, et la façon dont les dirigeants exercent leurs fonctions sont les principaux sujets d'inquiétude en ce qui concerne la gouvernance de ces deux universités. Les résultats démontrent également que les inquiétudes des parties prenantes au sujet du modèle actuel de gouvernance partagée des universités publiques porte sur le contenu de ce modèle, plus que sur sa forme ou sur le modèle lui-même. Cela montre que le modèle de gouvernance qui comprend le conseil universitaire, le sénat de l'université et l'administration répond aux attentes et est en cohérence avec l'environnement académique. On peut considérer que ces organes de gouvernance (et la nature de leur travail) différencient l'université d'autres types d'organisations. Enfin, sans aucune intention normative, cet article ébauche des possibilités de réforme.

Mots clés : gouvernance partagée, inquiétudes, universités publiques, défis, économies de transition

Introduction

> Many of my university president (vice chancellor or rector) colleagues – particularly those associated with public universities – believe that the greatest challenge and threat to their institutions arises from the manner in which their institutions are governed, both from within and from without. (James J. Duderstadt [2002], President Emeritus, the University of Michigan)

Over the past three decades or so, debate on governance in general and shared governance in particular, has gained traction in higher education (Bleiklie and Kogan, 2007; Dearlove, 2002; Morphew, 1999; Rowlands, 2011, 2012, 2017; Rowlands and Ngo, 2018; Shattock, 2014; Trakman, 2008). A tripartite arrangement which "allocates public accountability and stewardship to the governing board, academic matters to the faculty, and the tasks of managing the institution to administration" (Duderstadt, 2002:4), shared governance is among the topical issues in the international higher education policy discourse. The emergence of New Public Management (NPM) or managerialism and the massification of higher education in the 1980s (Rowlands, 2017; Shattock, 2008; Taylor, 2013) elevated governance to a topical concern in higher education and ignited governance reforms in universities across the globe. Globally, universities and higher education systems are experimenting with new governance models to enable universities to respond to changing needs and emerging societal challenges

(Duderstadt, 2002; Mehan, 2016; Saint, 2009). Reforms were fuelled, and continue to be fuelled, by perceptions among stakeholders that: (a) universities were not responsive enough to changes in the external environment because they relied on collegial governance that is sluggish in decision-making (owing to seeking consensus through committees); (b) universities were conservative, biased in favour of the status quo, and inward-looking (Dearlove, 2002; Duderstadt, 2002); and (c) academics incessantly exhibited obstructionist tendencies (Birnbaum, 2004).

Studies on governance in higher education have burgeoned since the 1980s (Amaral, Jones and Karseth, 2002; Bleiklie and Kogan, 2007; Knight, 2002; Marginson and Considine, 2000; Middlehurst, 2004, 2013; Minor, 2004; Rowlands, 2011, 2012, 2017; Shattock, 1999, 2008, 2013, 2014; Taylor, 2013; Trakman, 2008). However, most focus on higher education systems in the United Kingdom (UK), the United States (US), Canada, New Zealand and Australia. Similarly, extant studies on shared governance models (see Rowlands and Ngo, 2018; Taylor, 2013) hinge on higher education systems in the UK, the US and Australia and draw conclusions which are of a general nature. While research has been conducted on higher education governance in Africa, current scholarship leans more towards the governance of higher education systems (e.g., Kasozi, 2016; Melu, 2016), documents the post-1990s governance reforms undertaken in African countries (e.g., Saint, 2009; Sall and Oanda; Varghese, 2013, 2016), examines the functions of the governance organs in higher education institutions (e.g., Hall, Symes and Luescher, 2002; Olweny, 2015; Saint, 2009) and analyses broader governance challenges such as funding, accountability, infrastructure, trust and regulation but not within the framework of shared governance (e.g., Bigab, Forson, Abotsi and Baah-Ennumh, 2018).

There is thus a dearth of empirical studies on higher education stakeholders' concerns regarding the size and composition, authority, efficacy and general outcomes of the shared governance architecture within public universities in Africa generally and in Uganda in particular. Against this backdrop, this article examines stakeholders' concerns associated with the prevailing shared governance framework in public universities in Uganda.

The article comprises five sections. Following this introductory section, the next section reviews the literature on governance in higher education. The third section sketches the shared governance architecture for public universities in Uganda, and is followed by the section outlining the methodology. The final section presents the findings on shared governance concerns in public universities in Uganda, and compares them to the country's legal framework for higher education and extant literature.

2. University Governance: Meaning and Models

There is a plethora of definitions of university governance. Eurydice (2008, p.12) defines university governance as "the formal and informal exercise of authority under laws, policies and rules that articulate the rights and responsibilities of various actors, including the rules by which they interact." Neave (2006, p.28) conceptualises it as "a conceptual shorthand for the way higher education... institutions are organised and managed." Finally, Marginson and Considine (2000, p.7) consider university governance to encompass:

> ...the determination of value inside the universities, their systems of decision-making and resource allocation, their missions and purpose, the patterns of authority and hierarchy, and the relationship of universities as institutions to different academic worlds within and the worlds of government, business and community without.

Decision-making is a key tenet of university governance. Consistent with this, Toma (2007, p. 57) views governance in general and university governance in particular as a matter of "responding to the question: who makes what decisions?"

Models of governance in public universities can be nested into three forms: unicameral, bicameral and tricameral (Olweny, 2015; Rowlands, 2017). In a unicameral system, a single governing body is responsible for determining the academic and financial matters of a university (Dearlove, 2002; Rowlands, 2017). The academic senate derives its authority from the university council. Operationally, the academic body functions as a committee of the university council and its recommendations are subject to approval by the council. In exceptional circumstances, some academic bodies have the latitude to determine certain academic matters in their own right but on the basis of formal delegation of authority by the university council (Rowlands, 2017). Conversely, in a bicameral governance model, the university has two governing bodies (Amaral, Jones and Karseth, 2002), each of which has ultimate decision-making authority: the senate for academic matters and the university council for financial matters (Giovanna, 2013; Rowlands, 2017). A bicameral governance arrangement is intended to "protect academics from lay intervention into academic affairs" (Shattock, 1999, p. 277) and to "balance the needs for external accountability to the state... with the need for the participation of the professoriate in decisions" that hinge on academic standards (Amaral, Jones and Karseth, 2002, p.16). As the name suggests, tricameralism comprises three parts: the board of trustees, the senate and the university council (Olweny, 2015). The board of trustees is charged with oversight of financial management and planning; the academic senate determines academic matters and finally, the university council is entrusted with matters

relating to the wellbeing of the university and overseeing the election of the chancellor and rectors.

Prior to the 1980s, universities were governed under the collegial or self-governance model (Giovanna, 2013; Saint, 2009). This model was dominant in the UK where the senate, which was comprised largely of the professoriate, was the pinnacle of power and influence in a university (Rowlands, 2017; Shattock, 2008; Taylor, 2013; Trakman, 2008). From the 1940s to the late 1970s, the norm in public universities in the UK was that "no governing body would act in a major policy issue without consulting the senate and most policy issues were in practice initiated at the senate level" (Shattock, 2014, p. 127). The prevalent perception at the time was that only academics were "sufficiently qualified to regulate the public affairs of scholars" (Moodie and Eustace, 1974, p. 233). This epitomised the view that the university was a "republic of scholars". Within the collegial governance model, the vice chancellor was elected by the senate from among the university's "most esteemed scholars to fulfil ceremonial and administrative duties" (Saint, 2009, p.2) as a *primus inter pares* (first among equals).

The emergence of NPM and the shift from elite to mass higher education ignited unprecedented changes in governance arrangements for public universities in the UK and other jurisdictions (Rowlands, 2017). More specifically, the transnational ideas of NPM orchestrated an erosion of confidence in the self-governance model in universities while massification occasioned reduced government funding per student and a phenomenal increase in the number of students. The model was deemed to have outlived its usefulness because of the imperative to "develop and maintain flexibility and dynamism in governance and to be alert to shifts in the external environment" (Taylor, 2013, p. 91). New Public Management and massification contributed to calls for universities to operate as business entities with a view to enhancing income. This precipitated a shift of power from senates to governing bodies which were composed, in the main, of independent and external lay members with a particular focus on legal, financial and business expertise (Rowlands, 2017).

3. Context of Public Higher Education in Uganda

The evolution of higher education in Uganda can be traced to the establishment of Makerere University in 1922 that began life as a technical college (Mamdani, 2007) and assumed the status of a university college affiliated to the University of London in 1949 (Bisaso, 2017). Under the affiliation arrangement, Makerere University offered academic programmes leading to the general degrees of the University of London (Nabaho, Aguti and Oonyu, 2017). The arrangement was severed in 1963 when Makerere University became one of the three constituent colleges of the University of

East Africa following Tanzania, Uganda and Kenya's independence. In 1970, by an Act of Parliament, the University became an independent university of the Republic of Uganda.

The post-1980s era has witnessed a proliferation of both public and private universities in Uganda (Bisaso, 2017). The country's current higher education landscape comprises of eight public universities and one public other degree-awarding institution. The table below shows these universities and the year when each was established.

Table 1. Public Universities in Uganda

No.	University	Year of establishment	Status
1.	Makerere University	1922	University
2.	Mbarara University of Science and Technology	1989	University
3.	Kyambogo University	2003	University
4.	Gulu University	2002	University
5.	Kabale University	2005	University
6.	Busitema University	2007	University
7.	Muni University	2013	University
8.	Soroti University	2015	University
9.	Uganda Management Institute	1969	Other Degree Awarding Institution

Source: *National Council for Higher Education website*

Public universities in Uganda are governed under the Universities and other Tertiary Institutions Act (UOTIA) (2001). A hallmark of the UOTIA is the shift from "direct steering of higher education by the government to granting the institutional autonomy of public universities" (Bisaso, 2017, p. 423). The UOTIA established the National Council for Higher Education (NCHE) as the regulatory body for higher education and mandated the council to, among other things, accredit private higher education institutions (and their academic programmes) and to recommend the establishment of a public university to the minister responsible for education. The senate and the university council are firmly entrenched in the UOTIA. The council of a public university is responsible for the direction of its administrative, financial and academic affairs. On the other hand, the senate is the principal academic authority. In its relationship with the university council, the senate plays both decision-making and advisory roles, but specifically on academic questions. It is an embodiment of self-governance and external guidance because it is composed of internal members

(academics, administrative staff and students' representatives) and three external members. However, the academic governance organ is dominated by the academic oligarchy from within the university. The vice chancellor is the chairperson of the senate while the academic registrar is its secretary.

Makerere University can be analysed in terms of the evolution of higher education in Uganda and as one of the public universities in the country. It is the oldest university in Uganda and East Africa and in 2011 it transitioned from a faculty-based to a collegiate university (Bisaso, 2017). The university comprises ten colleges which are structured into schools and teaching departments (Nabaho, 2017). By 2013, Makerere University had a student population of 40,000 undergraduate and 3,000 postgraduate students, constituting 53 percent of enrolment in public universities in Uganda (Makerere University, 2013). As at December 2012, the university had about 1,600 academic staff (Makerere University, 2013). Kyambogo University is the second largest public university in Uganda. It was established in 2003 by an Act of Parliament following the merger of three institutions (Uganda Polytechnic Kyambogo [1928], the Institute of Teacher Education Kyambogo [1945] and the Uganda National Institute of Special Education [1988]). It consists of seven faculties.

4. Methods

The study was anchored in the interpretivist approach and employed document review to collect data. Three reports on higher education in Uganda were reviewed with a view to identifying governance concerns, namely, the *Report of the Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University, 2014* (informally referred to as the Omaswa Taskforce Report); the *Report on Investigations into Mismanagement and Corruption at Kyambogo University, 2015* (herein referred to as the Inspectorate of Government [IG] Report); and the *Report of the Visitation Committee on Makerere University* (or the Rwendeire Report). In addition, an article that appeared in *The Observer* newspaper (March 27-28, 2017) entitled "Ddumba-Ssentamu out of Mak (Makerere University) VC [vice chancellor] race" was found to be an appropriate data source because it contains an interview with the then vice chancellor of Makerere University and the principal of one of the colleges and focuses on governance at the university.

The IG Report was the outcome of a resolution of the Parliament of Uganda on 12 November 2012 requesting the Ombudsman to probe the affairs of Kyambogo University. On the other hand, the Omaswa Taskforce was constituted by the Chairperson of the Makerere University Council at the request of the Government of Uganda against the backdrop of endemic strikes at Makerere University which some stakeholders attribute to gover-

nance issues. The first term of reference for the task force was to "review the current macro and micro organizational structures of the University towards recommending the most suitable structure for the University to operate efficiently" (*Report of the Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University,* 2014, p. xi). Chapter four of the report hinges on governance and management.

Finally, the Visitation Committee on Makerere University was constituted in November 2016 by the head of state in his capacity as the Visitor of Makerere University. Among its terms of reference was to " ...visit, study and make a situation analysis of Makerere University and [the] causes of endemic strikes including but not limited to academic affairs, financial affairs, governance affairs, and student affairs, and make recommendations" (*Report of the Visitation Committee on Makerere University,* p. xiv). The third chapter of the report is dedicated to governance and management within the university.

Despite the findings in the three reports being specific to particular institutions, the recommendations have ramifications for the governance of all public universities since they are governed under the same legal framework. It is, therefore, not surprising that the recommendations relate to the amendment of Uganda's (public) higher education legal framework.

Content analysis – "a research technique for making replicable and valid inferences from text (or other meaningful matter) to the contexts of their use" (Krippendorff, 2004:18-19) – was employed to analyse the data. Qualitative content analysis examines the language in a text for the purpose of classifying large amounts of text into categories that represent similar meaning (Hsieh and Shannon, 2005). The reports were reviewed using inductive content analysis. Open coding was used, where notes and headings were written in the reports while reading them. Categories and themes were derived from the notes.

5. Results and Discussion

This section presents and analyses the stakeholders' concerns associated with the shared governance framework for public universities in Uganda that were distilled from the IG, Omaswa and Rwendeire Reports. Without being prescriptive, it also suggests options for reforming the shared governance arrangement for Uganda's public universities. The shared governance concerns can be nested in three broad themes: corporate governance concerns; academic governance concerns; and concerns regarding the mode of assumption of office by leaders.

Corporate Governance Concerns

The stakeholders' concerns regarding corporate governance in public

universities centre on the size, composition and efficacy of the university council as well as its authority.

Size, composition and efficacy of the university council

The size and composition of the university council has attracted criticism from a spectrum of stakeholders in the higher education sub-sector. This is evident in parallel comments on this issue in the IG Report on Kyambogo University (2015), the Omaswa Report on Makerere University (2014) and the Rwendeire Report (2017) on Makerere University. The first area of convergence is the bloated size of the university council. The IG Report (2015) observed:

> Respondents interviewed by the IG [Inspectorate of Government] 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 [30], 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. (*Report of Investigations into Mismanagement and Corruption at Kyambogo University*, 2015, p. 57)

The Omaswa and Rwendeire Reports also faulted the size of the Makerere University council. The three reports make proposals to trim the size of the governing body. The IG Report recommended: "[The] UOTIA should be amended in order to reduce numbers of the members of the University Council" (*Report of Investigations into Mismanagement and Corruption at Kyambogo University*, 2015, p. 118). On the other hand, the Omaswa Report recommended trimming the size of the university council from 24 to 13 members, all of whom would be external stakeholders, save the vice chancellor who is envisaged to be an ex-officio member. This would entail the adoption of a purely corporatist model of governance and an erosion of the vestiges of self-governance. In contrast, the Rwendeire Report proposes a university council of 15 members, of whom nine would be external stakeholders. The internal stakeholders, who would be ex-officio members, include the vice chancellor, and a single representative of the students, convocation, teaching staff, support staff and graduate students of the university.

The second parallel in all the reports relates to the question of whether representation of various constituencies on the university council is still relevant in the 21th century. The three reports answer this question in the negative and propose a shift from representative democracy to meritocracy as a criterion for membership of the university council. Representative democracy is faulted for overshadowing merit. The proposed policy change

is buttressed by the idea that representative democracy breeds straw people whose experience is either limited or decoupled from higher education and whose commitment to such education may be questionable. Based on the bold observations in the IG and Omaswa reports, a spectator could infer that the governing bodies of public universities are not as good as the institutions they serve. Excerpts from the two reports give credence to this inference. Based on the experience of public universities, the IG Report observed:

> Respondents were also unanimously of the view that the majority of members of [University] 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. (*Report of Investigations into Mismanagement and Corruption at Kyambogo University,* 2015, p. 57)

In the same report, a respondent is quoted as saying that members of the Kyambogo University Council know "...little about what a University is or how it should be governed. More so, many [council members] possess low academic qualifications. These are more of participatory members with no technical knowledge at all" (*Report of Investigations into Mismanagement and Corruption at Kyambogo University,* 2015, p. 65). Indeed, perceptions of the lack of fitness of purpose of university councils go beyond Kyambogo University. After attending two university council meetings, the Omaswa Report concluded:

> The taskforce also observed that the quality of debate, decorum and decisions made in some cases did not undergo the critical rigour expected of an institution of the calibre of Makerere University. (*Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University,* 2014, p. 43)

To salvage the situation, the IG Report proposes a university council that is non-representative and competence-based:

> [The] UOTIA should be amended in order to... 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. (*Report of Investigations into Mismanagement and Corruption at Kyambogo University,* 2015, p. 118)

Coincidentally, the Omaswa Report recommends:

> ... the University Council should consist of 13 members including the VC [vice chancellor] with the following skills profiles: (i) past or present holders of responsible positions in society, (ii) notable personalities in Academia, Teaching and Research, (iii) exceptional knowledge, experience and commitment to the pursuit of knowledge and intellectual inquiry, (iv) commitment to advance knowledge generation and con-

tribution of Higher Education to national development, and (v) high moral standing and integrity in society. The Task Force proposes that the 13 members be selected from the following skills sets: Finance; Legal; Higher Education; Industry; Science and Technology; Human Resource; Business/Private Sector; and Alumni. (*Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University*, 2014, p. 122)

It is important to note the skills profiles and skills sets suggested. The skills profiles in the IG Report allude to four essential attributes for members of a 21st century university council: an understanding of the nature of the university as an organisation and the nexus between the university and society; reasonable commitment to higher education; demonstrable experience with higher education; and exceptional experience with the triple mission of the university (teaching, research and service) or the experience of toiling in the vineyard of teaching, scholarship and service. A university council whose entire membership meets these attributes is likely to be more predisposed towards matters of education policy than general administrative issues, to advocate for higher education, and to uphold and defend the ethos of academic freedom and rigorous inquiry, among others. It is arguable that such a university council would not perennially depend on the strategic guidance of the vice chancellor. On the other hand, the skills set points to the need to ensure a sufficient balance of skills and experience among the members of the university council. Reference to industry and the business/private sector could be intended to promote linkages or collaboration between industry/business and the academy. In view of the above, it can be inferred that a university cannot rise above the quality of its governing body.

The discourse on the size and composition of councils of public universities elicits a number of options for reform, each with its merits and demerits. The first option is to drastically reduce the number of university employees who sit on the governing body. This is proposed in all three reports. Reduced staff representation would tilt the numerical strength in favour of external and independent members. This reform option would, therefore, preserve the vestiges of self-governance and also make it easy for policies that are unpalatable to the internal university community to be passed. The second option, which is explicit in the Omaswa Report, is to end the era of student and academic voices in corporate governance. The final option is to take cognisance of the voices of students and academics but to confine their participation to committees of the university council.

It is apparent that the Omaswa Report is unequivocal on the complete adoption of corporate-style university councils which, by implication, ends the representation of students and academics in corporate governance.

However, there is a lack of convergence between these recommendations and extant literature. The literature is generally averse to excluding academics from corporate governance (e.g., Dearlove, 2002; Taylor, 2013). Despite variations in context, the diametrically opposed perspectives on the sensitive governance question leave the Ugandan policymaker in a dilemma, i.e., whether to find solace in the two reports or in extant literature. Dearlove (2002, p. 270) subscribes to the inclusion of academics in governance and rationalises this by stating that "…academic involvement in governance and management is fundamental given that institutions geared to teaching and research can hardly bypass the people who do these things." Similarly, Birnbaum (2004, p. 8) cautions against exclusion by asserting that "… governance and institutional purposes are related… and proposals that suggest, either explicitly or implicitly, that the faculty role in shared governance should be reduced or limited are more likely to diminish rather than improve institutional effectiveness." Finally, Taylor (2013, p. 92) cautions universities about the dangers of excluding academics from participation in governance:

> A university is unlikely to succeed without the cooperation and active engagement of its academics; and centralisation of decision making to the exclusion of academics is likely to reinforce academics' natural tendency towards a stronger allegiance to their discipline than to their institution and to foster academic alienation from institutional strategy and objectives.

In answering the question of whether or not academics should participate in corporate governance, it is prudent for policymakers in transitional economies to borrow lessons from the experience of advanced economies – the variation in context notwithstanding – that have mutated from inclusion to exclusion, and later from exclusion to inclusion. Rowlands (2017) reports that, in Australia, from 2013 until recently, students and staff were excluded from university councils and that the new Labour government introduced legislation designed to restore their membership. This suggests that the implementers of neo-liberal ideals should be sensitive to the unique nature and values of the university. Although the intention of the proposals in the Omaswa Report is to enhance institutional effectiveness, they may inadvertently undermine it by excluding academics from corporate governance. It is for this reason that the practice of student and academic staff representation on the university council persists. The Rwendeire Report takes cognisance of this school of thought not only in terms of representation on the university council but also in using academics' expertise in corporate governance. Therefore, the current global trend that favours a managerial mode with a smaller number of members of the university and a majority of external representatives (Fielden, 2008; Saint,

2009; Kasozi, 2016) could be considered for public universities in Uganda.

The notion of a competence-based council comprising people from a diversity of fields such as law, finance, accounting, business and industry finds favour among stakeholders and is consistent with extant literature (see OECD, 2003; Rowlands, 2017). This is anchored in the perception that governing bodies comprised of lay citizens, with little knowledge of either academic matters or the complex financial, management and legal affairs of the university, cannot provide competent oversight of universities (Duderstadt, 2002).

Authority of the University Council

The Omaswa Report raises concerns about the state's erosion of "...the authority of the [Makerere] University Council" (*Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University,* 2014, p. 43) and cites several examples to corroborate this assertion:

> This was evidenced by a tendency of University students and staff to rush to H.E. the President, Ministry of Education and Sports and Parliament to express their concerns on different issues before first exhausting them at the level of the University Council. Resolutions of the Council are not routinely implemented; one example being the disregard of Council directive to have all students pay fees on time. Further, political interference on setting fee levels, collecting fees, and bypassing Council in dealing with staff issues by other authorities; has contributed to the erosion of the authority of the University Council. (*Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University,* 2014, pp. 43-44)

The UOTIA envisages a situation where the state would steer universities from a distance. Evidence suggests that a new trend of state micro-management of universities has emerged (*Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University,* 2014). This often happens in cases where governing bodies take legitimate decisions but the state feels that such decisions may either diminish its electoral fortunes or have security ramifications. A dangerous trend has also emerged where students have assumed the *de facto* mandate of "vetoing" decisions of the university council, especially those that have financial implications such as fees increments, timely payment of fees and outsourcing of catering services. For example, the university has had to suspend or stay the implementation of some council directives because of student unrest or the threat of such unrest. In view of the above, it would be fallacious to imagine that the university council holds (real) power and authority – real authority resides with the students and at the presidency. The solution to this problem lies in the state granting

space to the overseers of universities to govern, subject to state supervision rather than interference.

Academic Governance Concerns

Stakeholders' concerns relating to academic governance, particularly the university senate include the size of the senate, and its composition and efficacy. The Omaswa Report deemed the senate of Makerere University to be bloated (87 members) and recommended slashing it to 60 members, comprising the vice chancellor and deputy vice chancellors, principals of colleges, directors of academic units and representatives of affiliated colleges. The report further proposes, *inter alia*, a reduction in government representatives from three to one, and the exclusion of students and non-academic employees of the university from the academic governance body. This proposed shift envisages a senate that is a true reflection of collegiality. However, the report takes cognisance of the student voice in academic governance and, therefore, recommends their representation in another forum, such as the student affairs committee of the university senate.

The final concern in both reports is associated with the efficacy of the academic body in executing its statutory roles. A plethora of quality deficits that are likely to impinge (or are impinging) on the image of both universities – including, but not limited to, poorly designed academic programmes, duplication of programmes, examination leakages and malpractices, and delays in releasing examination results – feature in the IG and Omaswa Reports. These quality concerns are evidence, albeit contestable, of the ineffectiveness of the senate in executing its statutory mandate.

The senate is recognised in both reports as the custodian of academic standards, the protector of academic integrity and the guarantor of the quality of education provided by the university. Nevertheless, the data shows that the senates of both universities are ineffective in providing oversight of teaching, learning and research activities. Previous studies (Baird, 2007; Birnbaum, 2004; Moodie, 2004; Rowlands, 2012, 2014) attest to the ineffectiveness of university senates. At both universities, this could be due to the quality of membership and the lack of executive powers. It is, therefore, not surprising that existing literature on revitalising senates suggests that they be restructured with a view to ensuring that they are "made up of acknowledged experts and leaders that could better discharge quality assurance functions and assist in holding others accountable for the achievement of the institution's strategies" (Baird and Woodhouse, 2007, p. 10).

Concerns regarding the mode of assumption of office by leaders

The UOTIA provides an elaborate mechanism for electing leaders from the vice chancellor to heads of teaching departments. The current mechanism

attests to the complementary roles of the university council and the senate in some appointments but assigns final decisions to the university council. Concerning the appointment of the vice chancellor, two members of the university council and three members of the senate constitute the search committee. This committee advertises the job, shortlists and assesses the candidates, and forwards the selected candidates' names and details to the senate. The senate is statutorily required to recommend three candidates to the university council. The vice chancellor is appointed by the chancellor on the recommendation of the university council from among three candidates recommended by the senate (UOTIA, 2001). The appointment is for five years but the vice chancellor is eligible for re-appointment for a further term.

The senate elects the deputy vice chancellor and principals of colleges of the university but the elected candidates are subject to the approval of the university council. Deans and heads of departments are elected at school and departmental levels, respectively in line with procedures prescribed by the senate and are appointed by the university council. They serve for a period of four years and are eligible to serve one more consecutive term.

The practice of electing leaders has both enthusiasts and critics. The former, who are mainly academics, are of the view that it affords them an opportunity to exercise their democratic right. Conversely, critics cite the negative aspects of this approach including, *inter alia*, localisation of the labour market (exclusion of external candidates) in the case of deans and heads of departments; sacrificing merit on the altar of ethnicity, corruption and religion; the emergence of bad leaders; polarisation of the university; inadvertently promoting ill-discipline amongst staff; subordination of the general interest to the interests of the electorate; and a decline in the quality of education. This is evident in the excerpt below:

> The Makerere experience demonstrated that the method of election of leadership... is prone to corruption and too much politics. It invokes religious and tribal bigotry and tends to polarize the staff of the institution. For instance, the 2012 process of selection of the Vice chancellor brought out the worst of Makerere, badly polarized the institution and did great harm to the reputation of the Institution. Further, it was observed that the electorate expected candidates to commit to certain undertakings some of which were not in the interest of the overall goals of the University. Under this arrangement, it was reported that enforcing discipline was difficult as it would cost votes during elections. The Task Force was informed that elected University officials experienced difficulties in leading their colleagues without fear or favour. This has resulted in weakening the efficient administration of the University. For example, absenteeism, late coming, delayed production of exami-

nation and coursework results and general indiscipline occur but go unpunished. This has had deleterious effect on the quality of education at the University. Worse, the provision in the Act of election of Deans, Director and Heads of Departments "by their Academic Staff from among their senior members" precludes otherwise qualified people from competing for these posts. (*Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University,* 2014, p. 61)

In view of the above, reform is required to minimise the perverse effects of electing leaders. The first option that is explicit in the Omaswa Taskforce Report, is to reform the "...electoral process and the amendment of the [Universities and Other Tertiary Institutions] Act so that all University Officers are appointed and not elected" (*Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University,* 2014, p. 61). This proposal is premised on the idea that only those that aspire to political office should be subjected to an electoral process. However, it raises a fundamental question: Who should be charged with the responsibility of appointing leaders? There are three discernible schools of thought on this matter. According to the Omaswa Report, this responsibility should be vested in the university council. The second school of thought advocates a dual appointment mechanism. Under this proposal, the governing body should appoint leaders except for the vice chancellor, who should be appointed by the head of state. The former vice chancellor, Professor Ddumba-Ssentamu (September 2012-August 2017) subscribes to the dual mechanism: "You cannot vote for a VC [vice chancellor]; it should be the president (head of state) to appoint [the VC] because it (office of the vice chancellor) is not political" (*The Observer*, March 27-28, 2017, p. 4). It is arguable whether this proposal would not shift the politics from the university to the national level. Nevertheless, making the head of state the appointing authority for the vice chancellor would resurrect state control, which was abandoned in favour of steering from a distance, and result in accountability problems. There is potential for tension due to the question of whether the vice chancellor should be accountable to the (head of) state or the (university) council. The final option that is explicit in the Rwendeire Report is to vest responsibility for appointing the vice chancellor in the minister responsible for education. The central thread in both reports, which is also echoed by the Rwendeire Report, is that the vice chancellor should be appointed by the state on the recommendation of the university council through an open and competitive process. This would introduce merit to the selection process. Saint (2009) identified this mode of appointment in countries such as Bangladesh, Brazil, India, Mauritania, Morocco, Mozambique and Sri Lanka. Saint further identified two variants of this

practice: selection of the vice chancellor from a shortlist of three names forwarded by the university council; or acceptance or rejection of a single recommended candidate.

Another option could be to vest the power to appoint leaders in the university council but on the recommendation of the vice chancellor. This would be in sync with the NPM prescription of letting managers manage. It would enable the vice chancellor to identify competent leaders who would be reluctant to swim in the dirty political waters at the university. A team selected through such a mechanism would be accountable to the vice chancellor for delivering the strategy.

The second option, which fits the description of a reform is to maintain the status quo; in other words, "no reform". This viewpoint appeals to a section of academics who find the idea of abandoning the electoral system offensive. The pro-status quo camp tends to rationalise current practice. For example, the principal of one of the colleges is quoted to have said: "The principle [of electing leaders] is perfectly fine because it empowers university employees to have a say on who becomes their leader" but hastened to add, "However, in practice, it has become extremely impossible to have the best leaders to lead this institution (Makerere University) because of the nature of the electorate" (*The Observer*, March 27-28, 2017, p. 4). Proponents of maintaining the status quo argue that the solution to the unintended consequences of electing leaders does not lie in abandoning the well-intentioned practice but rather in streamlining the electorate. In other words, throwing out the principle would amount to throwing out the baby with the bathwater. The principal of a college elaborated: "I think its [high] time we paid more attention to the kind of members that sit at the senate and the university council. If you have members with a certain degree of competency and integrity, the process of election wouldn't be a problem" (*The Observer*, March 27-28, 2017, p. 4).

Extant literature (e.g., Eurydice, 2008; Middlehurst, 2004; OECD, 2003; Saint, 2009) points to the shift from electing to appointing leaders. This is premised on the notion that the procedures for choosing those appointed to leadership positions in universities affect institutional performance (Saint, 2009). Finding lasting solutions to this question requires that consensus be reached among the stakeholders in higher education in Uganda.

In conclusion, stakeholders' concerns regarding the current shared governance framework for public universities in Uganda relate to the substance of the framework rather than the framework itself. This suggests that the governance framework that comprises the university council, the university senate and the administration is fit for purpose and in sync with the nature of the academy. Arguably, it is the existence of the university council and the academic senate that distinguishes a university from an

industry. Therefore, any policy and legislative reforms should address matters related to the substance and not the form of the shared governance framework. This article contributes to the higher education policy discourse in Uganda by advancing a case for reforming the post-2000 shared governance architecture for public universities in the country.

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