

UGANDA MARTYRS UNIVERSITY

**FACULTY OF BUSINESS ADMINISTRATION AND MANAGEMENT
MBA FINAL ASSESSMENT – MBA PT**

Course name: MANAGEMENT & ORGANISATIONAL BEHAVIOUR

Course code: MBA 7101

Duration: 3 Hours

Instructions:

- Write neatly and clearly.
- Be logical and precise in all your answers.
- All questions are compulsory.
- Read the case study and attempt ALL the questions

THE QUANDARY

Kyambogo University Council chose to indefinitely close the institution after a week- long frantic but fruitless talks with staff to convince them call of strike. Separate talks between junior education minister Charles Bakkabulindi and the striking staff didn't save the situation. To those who have been following the drama at this second biggest public university in the last couple of weeks, this didn't come as a surprise.

Staff at the university downed their tools demanding for the suspension of the Vice chancellor Prof. Isaiah Ndiege who they accuse among others, of running down the 10-year -old institution and undermining staff. Although the university council, the top decision-making body of the institution had earlier accepted to let Prof. Ndiege step aside together with 11 other officials to allow investigations into allegations leveled against them, it rescinded its decision a day later, something that didn't go down well with the striking staff.

The staff had earlier demanded for promotions and increase of their top-up allowances, which the university council accepted, but they later insisted that the VC should also step

aside. Ndiege, a Kenyan professor who assumed office in 2009 has had a challenging tenure at Kyambogo with a section of staff fighting him claiming that he simply 'snatched' the coveted position of VC which should have been filled by a national.

Between 2009 and 2011, Prof. Ndiege and his lawyers were in and out of court when former staff members who he had fired accused him of dismissing them because of their ethnicity. Ndiege prevailed in court and the case was later dismissed. The working style and drastic changes Ndiege came with have won him many enemies than friends to date. The university employs at least 1116 people, of which 421 are teaching staff.

A source at the university that preferred anonymity told Education Guide that the council's change of position was influenced by 'external forces'. "You know our council is still new and members haven't warmed their chairs. The line minister simply called and told them to reverse their decision forgetting that the council in any university must act independently," said a source that preferred anonymity to speak freely about the crisis at the institution. In his official communication to students after reversing his earlier decision, Prof. John Okedi said his Council "lacked legal backing for this earlier action".

"It was an oversight but after making consultations we had to do the right thing," said Prof. Okedi at one of the press conferences he convened last week.

Academics, money and real estate

Sources at the University have intimated to this newspaper that the issues at Kyambogo are not just limited to academic and administrative concerns but stretch to include land grab schemes of the prime located institutes real estate. There were fears, according to a source that if Ndiege went on forced leave, unscrupulous staff would use the opportunity to parcel out more university land, particularly the one currently housing the institution's farm measuring 16 acres.

"They have done it before," added the source.

This particular source referenced incidents last year to back his claim. Apparently, when Prof. Ndiege was directed to take his annual leave by the then university council chairman,

James Kalebbo, the university's mother land title was taken away from the VC's office to allow the ministry of education get a separate title deed for the land where it plans to erect its headquarters only to return after several plots had been illegally subdivided. Kyambogo University, which sits on 330 acres of land, was created as a university in 2003 following a merger of Uganda Polytechnic (UPK), Institute of Teacher Education, Kyambogo (ITEK) and the Institute for Special Needs Education (Unise).

Hunter becomes hunted:

Sources further said some staff who are on the forefront of pushing for Ndiege's exit simply want to frustrate the on-going investigations against them over alleged misconduct.

"Some of those you see are under investigations. Some employed relatives in the departments they head while others sexually harass their students. They want to use his absence to buy time and to some extent kill the existing crucial evidence. We are in a bad situation as an institution and we need a savior because some staffs are bent on seeing Kyambogo collapse due to their individual interests," said another source that taught at Kyambogo even before it became a university. These claims by the source corroborates with numerous petitions whistleblowers have given to the IGG's office and the Speaker of Parliament.

"The truth about the current situation at Kyambogo is that a few individual staff members with serious disciplinary and criminal cases are employing mob justice in an attempt to cover up their wrong deeds and escape justice," said Mr Jackson Magola, a part-time lecturer at the university in his petition to parliament dated August 28, 2012. The two-page petition with documentary evidence attached was also copied to President Museveni and chairman Public Accountant Committee of parliament.

However, Education Guide could not establish whether Mr Magoola was working independently and patriotically in his petition or whether he was working under influence of any of the various fighting groups.

Administrative wrangling

For Kyambogo, some of these problems are historical and would require a strong leader to overhaul them. The embattled Prof. Ndiege, who came a year after an interim management was dissolved and restructured in 2008, was determined to bring about change, but he was

kicked out by the Council. Lutaalo Bbosa, the first VC after the merger, was also pushed out of office when some staff got disgruntled.

Fresh recruitment and an overhaul of management and the council may be the only solution to redeem the university from its limbo. Jessica Alupo, the Minister of Education and Sports appears to be powerless, but would want the ministry to consider a collegiate system as a way of dealing with the rot. But that is in the long term. What the authorities will do in the short term is what could bring some stability, which still eludes the institution.

Examinations are going on smoothly amidst the rift between the Council and the IGG over the estranged Vice Chancellor Omolo Ndiege. Observers say the standoff and eventual outcome of the court cases could open the door for more reforms in the quasi manner the institution is administered.

Last year, the University Council sent Prof. Ndiege on leave, after the council received complaints from staff over Omolo's leadership style. It instituted an adhoc committee before taking action, but many say its decision was a knee-jerk reaction.

This, according to observers, was because of the bad blood between some Council members and Ndiege. Indeed, Ndiege accused the Council of blaming him for all sorts of things including failure to initiate procurement, collect house rents, late release of results, lack of water, dirty toilets, delayed payments, cross-checking vouchers, low staff morale, sexual harassment, reprimanding errant staff, sponsoring negative articles in newspapers, intimidating staff, unswept classrooms among other things. Though he has been away for several months, the situation is only getting worse.

Now, different camps have emerged, those who back Ndiege and those who support Prof Opuda. While Lawrence Madete, the Kyambogo public relations officer, says some are not bothered by the drama, the rifts have left the university sharply divided.

"He came with the attitude of a sweeper but his people management skills created a problem," Madete said of Ndiege. "He is a high flyer, bright but also arrogant, which tends to rub some people in the wrong way."

While appearing before the Parliamentary Social Services Committee that was investigating the problems in Kyambogo University, the University Secretary Sam Akorimo also blamed the leadership style of prof. Ndiege, which he said "was not fit for any university." Akorimo said Prof. Ndiege's style was characterized by barking at staff, disrespect, inability to listen, and witch-hunting members of staff who hold divergent views.

Some staff who spoke to *News reporter* say Ndiege called himself 'Chief Executive Officer,' - thus usurping the powers of the University secretary and that he used security officers to witch hunt them. However, some of the staff who support Ndiege say that his opponents are either sour grappling or unhappy that he blocked payments of responsibility allowances.

In a letter, dated October 19, 2012, to the parliamentary committee investigating the mess, Victor Locoro, a staffer in the Faculty of Special needs and Rehabilitation, said Ndiege was not popular because of his 'unbending strictness' against fraud. "There is reason to believe that this allegation is a plot by a group of staff and some members of management with indiscipline and or fraud -related interests to get him out of office to allow room for them to pursue their selfish motives especially now that the university is expecting to receive a Shs 72 billion grant from the African Development Bank," Locoro wrote.

He said some officials were making fraudulent teaching claims, and that there was gross abuse of overtime and extra load provisions. For some time, concern has been rife about the rapid disappearance of the university's land, until the IGG stopped any transactions involving the university's land. Other assets like vehicles and repairs are abused with careless abandon.

Also in a mess is the system of paying lecturers. In Kyambogo, a lecturer is paid for marking coursework, tests, setting an examination, invigilating during examinations and marking examinations scripts. This is separate from what the government pays full time staff and also what the university pays as top -up. Because there are more part-timers, the latter benefit more from such claims. A full-time staff member said the problem in the

university is that staffs are paid for everything they do, yet it does not make economic sense to pay a teacher to set an exam. "The systems are all broken; some departments do not have computers or even chairs for staff so how do you expect them to do research or even mark scripts and release results in time? Another lecturer asked.

Kyambogo Staff Threaten Strike Over Ndiege Reinstatement

Under their associations – University Senior Administrative Staff Association (Kyuasa), Kyambogo University Academic Staff Association (Kyuasa) and National Union of Educational Institutions (NUEI), the staff vowed to resume their industrial action if the University Council, High Court or any other authority makes a u-turn on Prof Ndiege. They revealed this while addressing the press on Friday after an emergency meeting. They said Prof Ndiege was part of the bigger problems affecting the institution and relieving him of his duties was necessary. "If any authority backtracks on the decision of removing him from office, as staff, we will have to withdraw our services to the university because we can no longer work with him," one of the resolutions read in part.

The university council late last month dismissed Prof Ndiege allegedly in "interest of the public". This followed investigations by an ad hoc committee set up to investigate claims of mismanagement, incompetence, intimidation of staff, among others, that were leveled against him by a section of university staff. This threat comes in the wake of a parliamentary report released on Thursday, which cleared Prof Ndiege of any wrongdoing on all the 10 allegations against him, with some lawmakers suggesting his reinstatement.

The legislative body's report noted that the accusations labeled against Prof Ndiege were not committed by him but rather he is being held accountable by virtue of his position in the institution. Lawmakers also cited sectarianism in Professor Ndiege's troubles. The sacked VC is Kenyan, a fact that has rubbed many at the institution the wrong way. "The committee on its part, feels that the problems of Kyambogo University are better looked at and addressed from a more holistic perspective than reduce them to just an individual. Having interfaced with the VC, the committee cannot hold him culpable on the allegations labeled against him," the report reads in part. MPs also want the university procurement officer investigated on the procurement of buses, water browser and other items.

Search for the Vice Chancellor

The Kyambogo University Council insists that outgoing Vice Chancellor professor Isaiah Omolo Ndiege must compete with other applicants if he wants to be reappointed for another term of office.

This didn't go down well with professor Ndiege. In a 12th January letter to the university council, professor Ndiege said he was dissatisfied with the council decision to advertise the position of Vice Chancellor in the presence of an eligible candidate who has been occupying the office for the last 5 years.

Ndiege said this was in breach of section 31 (4) of the Universities and Other tertiary Institutions Act 2001 as amended and Article 253 of the Constitution of Uganda. It provides that the Vice Chancellor shall be appointed on terms and conditions determined by the University Council for five years and shall be eligible for re-appointment for one more term. Ndiege asked how he can do an interview for the same job he had holding substantively, arguing that it is tantamount to double jeopardy. He asked the university council to respond to his letter in not later than 7 days after receipt of the same.

Lawrence Madete, the Kyambogo University Public relations Officer says council has decided to follow the law to the letter and will not yield to the demands by Ndiege. Madete says from their consultations some of the things Ndiege raises in his letter can be addressed in the law. He says the university council directed Ndiege to hand over office and compete for the office of the Vice Chancellor with other candidates. Madete explains that Council initiated the search process by selecting three members from amongst the 23 members to join the search committee. He however, discloses that they left out staff representatives to avoid a scenario where members of staff are involved in appointing their boss. He says the three members from the university council will join two representatives from the Senate, which is comprised of Deans of faculties and schools and heads of academic units to make a team of five.

Madette says the five representatives agree on the criteria as to what should constitute the advertisement in the initial search process. He added that the team also agrees on the

parameters as to what should constitute the search process, when to interface with the applicants, the requirements of applicants and pass marks. Madette explains that once the committee has interacted and interviewed the applicants, the names are sent to the appointments board, which always meets the applicants before they go on to meet the senate. He says from this point names of three applicants are selected and sent to the Chancellor, who carries out consultations before appointing the vice chancellor.

According to the Universities and Other tertiary Institutions Act 2003 with amended Act 2006, Under the Provision of a Vice Chancellor; Section 31 (2) the Vice Chancellor shall be appointed by the chancellor on the recommendation of the University Council from among three candidates recommended by the Senate. Section 31 (3) A search Committee composed of two members from the University Council and three members from the University Senate shall identify suitable candidates for the post of Vice Chancellor and forward them to the Senate to nominate three candidates for recommendation to the University Council.

Section 31 (4) The Vice Chancellor shall be appointed on terms and conditions determined by the University Council for five years and shall be eligible for re-appointment for one more term.

Legal interpretation of the re-appointment of Prof Isaiah Omolo Ndiege

The Attorney General (AG) has advised the Kyambogo University leadership to avail the institution's former Vice Chancellor (VC) Prof Isaiah Omolo Ndiege an opportunity to be reappointed. In a legal opinion dated June 13, 2014, addressed to the Minister of Education and Sports, Jessica Alupo and copied to the Kyambogo, AG Peter Nyombi advised that the University leadership in considering Ndiege for re-appointment should first evaluate his past performance before considering to subject him to the rigors of a search process.

As such, the Attorney General advised that Ndiege should be given priority over other applicants, in the university's search for a VC.

Interpreting provisions of Section 31 (3) of the Universities and Other Tertiary Institutions Act, Nyombi noted that:

"The holders of the office of the VC shall be eligible for re-appointment for a second term of four years after the first four years have expired, unless he/she is indicted and found liable under the provisions of S.55 (1) of the Universities and other Tertiary Institutions Act for misconduct or inability to perform."

In the absence of such an indictment, Nyombi said "the incumbent VC can only be subjected to a formal assessment reviewing the candidate's past professional performance, activities and achievements, and analysis of his or her contributions."

"Where the assessment finds merit in his performance, leading to the likely renewal of the appointment contract, the VC becomes and should be eligible for re-appointment for one more term subject to his expression of interest," explained Nyombi.

"It is therefore my considered opinion, that the VC should be assessed for his past performance before other applicants are considered. It is only if the search committee and indeed the Senate find his past performance wanting that other applicants can be considered for the position."

The above reappointment criterion notwithstanding, Nyombi further stated that the practice in Uganda, such as Gulu University, has been that the serving VCs are recommended to the Council for renewal of their term in office for another term.

On that background, Nyombi said Prof. Ndiege should equally be accorded the benefit of the practice of incumbent VCs being recommended to the Council for re-appointment.

Nyombi also quashed an earlier legal advice Kyambogo University Secretary Sam Akorimo sought from private advocates, on grounds that article 119 (4) (a) of the constitution gives the Attorney General mandate to give legal advice and services to

government on any subject.

“The advice sought from private practitioners when the principal legal advisor is the Attorney general is therefore not binding and is of no consequence and should not have been relied on by the University Council,” said Nyombi.

Court ruling

In his petition against the university, Prof Ndiege contended that during his term in office, he was not issued with an assessed report of his performance yet the law states that an officer holding an office of the vice chancellor in any public university must be evaluated and issued with a copy of such a report.

The High Court in Nakawa yesterday awarded a staggering Shs1.3 billion to former vice chancellor of Kyambogo University Prof Isaiah Omolo Ndiege for unfair dismissal. However, the judge made no order for reinstatement and advised Prof Ndiege to officially hand over the office.

This ruling follows a 2014 petition in which Prof Ndiege challenged his dismissal by the university.

While delivering the verdict, Justice Elizabeth Nahamya observed that the action of Kyambogo University administration to kick Prof Ndiege out of office yet it was still searching for his successor was unfair, null and void.

In his petition against the university, Prof Ndiege contended that during his term in office, he was not issued with an assessed report of his performance yet the law states that an officer holding an office of the vice chancellor in any public university must be evaluated and issued with a copy of such a report.

It is upon this document that the university administration may base to grant him another term in office.

The professor further blamed the university administration for going ahead to declare his position vacant without seeking his views on whether he wanted to be reappointed.

Speaking to Daily Monitor after the ruling, Prof Ndiege said: "...justice has been done and I hope, some people will learn from it."

Prof Ndiege has been awarded special damages totalling Shs700 million for having been kept away from office for over two-years, aggravated damages of Shs150 million to be paid before June 2016, general damages of Shs350,000 and punitive damages of Shs 150 million, to be paid within one month from the date of judgment.

Court also ordered a 30 per cent interest per annum to be given to the professor until completion of the whole payment.

As reported by Ndagire & Tayuba, 2015; Daily Monitor, Kampala Uganda.

QUESTIONS (Attempt all questions)

Question One

What is the most desirable title of the case study? Justify. (10 marks)

Question Two

- a) Based on the case study, explain whether Prof. Ndiege was a manager, leader, both or none of the two. (10 marks)

Question Three

Describe the communication challenges in the case study and make suggestions of handling them. (30 marks)

Question Four

If you were the Council chairman of the University, what decisions would you have taken to avert the huge court fine. (20 marks)

Question Five

With reference to the case explain any ten causes of stress that workers in the university experience and suggest strategies they should adopt to grow thrive in such an environment.

(30 marks)

END.