

WHEN REFORM TRIGGERS REFORM: AN EXAMINATION OF THE PROPOSED (PUBLIC) UNIVERSITY GOVERNANCE REFORMS IN THE RWENDEIRE VISITATION COMMITTEE REPORT

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INTRODUCTION

Since 2000, higher education has been acknowledged as a driver of Africa’s social and economic development, an enabler of the region’s transition into a knowledge economy and an imperative for global competitiveness (Bloom *et al.* 2014; AUC 2015, 2016, 2018; Teferra 2016; World Bank 2000). The post-2000 ideological shift from viewing higher education as a public good rather than a luxury – after over two consecutive decades of neglect – has metamorphosed university governance from a marginal into a topical issue in the African higher education discourse. Consequently, governance of the education system, including the higher education sub-sector, is integral to the drive to revitalise higher education in Africa. It has, in some circles, been advanced as “a determinant factor in how [higher education] institutions contribute to the solution of social contradictions and development problems – or to their aggravation” (Oanda and Sall 2016: 63). It is also a driver of education quality as well as the financial sustainability of higher education institutions (World Bank 2000). The proliferation of empirical studies that attest to a strong nexus between university governance and academic excellence as well as the

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research and financial performances of universities has further sustained higher education stakeholders' interest in the governance of the academe besides reaffirming the conviction to improve governance at both systemic and institutional levels (Aghion *et al.* 2010; Núñez and Leiva 2018).

Since 2000, university governance models in African countries have undergone profound changes. The major reforms – which have been influenced by the New Public Management (NPM) ideals and isomorphic forces – include a shift from the state control model to the state supervision model of university governance (Sall and Oanda 2014; Bisaso 2017; Nabaho 2019; Nabaho *et al.* 2020). Reforms also include the establishment of buffer quasi-governmental agencies to supervise universities to assure quality of provision and to reinforce the state supervision model. In varying degrees reforms have enhanced the autonomy of universities in human resource management, the management of fiscal resources and internal organisation besides increasing accountability of universities to the state (Saint 2010; Sall and Oanda 2014; Melu 2016; Varghese 2016). The reform efforts were geared towards, among others, enhancing the flexibility and responsiveness of universities to the changes in the external environment and societal demands. Despite these transformations, new reform pressure continues to be exerted on higher education systems and institutions in Africa to adapt their governance systems to the current realities. Similarly, there are competing voices and discourses about how universities in the African higher education landscape and in the national higher education spaces should be steered.

There has been a rapid surge in scholarship on university governance in Africa with studies shedding light on the post-2000 university governance reform endeavours in the various political jurisdictions in Africa (Saint 2010; Sall and Oanda 2014; Kasozi 2016; Melu 2016; Oanda and Sall 2016; Varghese 2016; Bisaso 2017). Nonetheless, the majority of these extant studies are retrospective in orientation. Put differently, the studies hinge on the university governance reforms that have been implemented based on the legal frameworks of the countries – or how the universities are governed in the post-2000 era – rather than on how universities should be steered internally. In Uganda's higher education sub-sector, the literature on university governance reform proposals is mostly found in the voluminous reports of the Inspectorate of Government, University Visitation Committees and Taskforces, but rarely in the form of scholarly research which utilises the reports as source documents. Therefore, there is a dearth of empirical studies on university governance reform proposals in Uganda. Arguably, proposals on university governance reforms are important for three reasons: they symbolise the challenges of the earlier reform attempts, they give direction to the new reforms and they point to the

competing voices about how universities should be governed in a particular higher education space.

In view of the above, this article focuses on the Visitation Committee Report on Makerere University of 2016, referred to as the Rwendeire Report for the purposes of this discussion (Government of Uganda 2016). As a point of departure, emphasis is placed on and the discussion centres around the following question: “How does the Rwendeire Report envisage the governance of public universities in Uganda following the introduction of certain governance reforms since 2000?” The article comprises five sections. The brief introduction is followed by a literature review and reference to methods. Various insights on how public universities in Uganda should be governed and the basis for the reform proposals are introduced. A number of findings are highlighted and brief conclusions drawn.

UNIVERSITY GOVERNANCE: VIEWS FROM THE LITERATURE

Governance in higher education provides the means to formally organise and manage institutions such as universities. Although higher education and its governance are very diverse globally, the various approaches still share commonalities and common goals. Consequently, much could be gained from a review of the vast body of literature on university governance. In this discussion specific focus will fall on defining university governance, followed by important aspects on 21st century university governance reforms in Africa highlighted in the literature.

The meaning of university governance

Governance of higher education can be defined based on either the higher education system, the higher education institution, or both, as frames of reference. University governance, which hinges on the higher education institution as a unit of analysis, elicits a plethora of definitions and there is no consensus on what it means. There are as many definitions of university governance as those who have attempted to unravel the ostensibly slippery concept. The Organisation for Economic Cooperation and Development (OECD) defines university governance as “the structures, relationships and processes ... through which university level policies are developed, implemented and reviewed” (OECD 2008:68). This definition resonates with that of Neave (2006:28) who unravels it as “a conceptual shorthand for the way higher education ... institutions are

organized and managed.” The Council on Higher Education (CHE), a South African regulatory agency for higher education, delineates the scope of governance at institutional level as encompassing the “formal structures and informal interactions” (CHE 2016:108) through which the various role-players in the university participate in making high-level decisions and provide oversight. In line with CHE’s conceptualisation of university governance, according to Toma (2007:57), university governance has to do with “responding to the question: who makes what decisions?”

A central thread in the definitions above is that university governance entails the organisational set-up or structures and organs with different levels of authority through which decisions are made, reviewed and implemented as well as the formal and informal interactions among the university structures. The principal structures at institutional level are the University Council, the Senate (and other structures at the academic heartland), the administration (or the management board) and the student body (AUC, 2018).

University governance reforms in Africa

Since 2000, university governance in Africa has experienced a series of reforms. The notable ones in most countries include a retreat from direct state control to state supervision of universities (Sall and Oanda 2014; Oanda and Sall 2016; Varghese 2016; Bisaso 2017; Nabaho 2019). The state supervision model is underpinned by “the State’s responsibility to protect and promote the public’s interests with an individual institution’s need for academic freedom and autonomy” (World Bank 2000:53). In keeping with the state supervision model of university governance, especially in Anglophone Africa, new quasi-governmental bodies have been created to serve as buffer organs between the state and universities, and to provide oversight and quality assurance on behalf of government (Saint 2010; Sall and Oanda 2014). Therefore, the role of the state has changed from direct steering of universities to ensuring that the higher education system functions well through providing a framework for higher education institutions to operate and insist on “accountability measures to ensure that the operations in the sector help achieve national objectives” (Varghese 2016:32), serve the interests of the public and are equitable as well as responsive to societal needs. The African Standards and Guidelines for Quality Assurance in Higher Education (ASG-QA), a document which provides a common language in the African higher education space, points to the imperative of African countries, and higher education institutions by implication, to adopt the state supervision model.

At the institutional level, university councils were created as the supreme governance organs to provide oversight of universities (Sall and Oanda 2014) and to shield universities from undue political control (Oanda and Sall 2016). These institutional-level oversight organs have province over “formulating the institution’s strategic direction, approving internal statutes, accepting budgets, accounting for use of funds, managing the institution’s assets, and safeguarding institutional interests” (Saint 2010:18). The modes of populating the university councils in the various political jurisdictions are diverse: appointment by the Head of State, appointment by the Minister responsible for education and election by specific stakeholder groups (Saint 2010; Varghese 2016).

In a number of African countries, the post-2000 higher education legal frameworks stipulated the election of deans and heads of departments (Varghese 2016). However, the African Quality Assurance Mechanism (AQRM), a tool for assessing the quality of higher education institutions, attest to other modes through which deans and heads of departments ascend to office. These include appointment by the government or proprietor, appointment by the chief executive officer of the university and ascension via an open competitive process following advertisement. Finally, the academic governance function is exercised by the Senate (or Academic Board) which is responsible to the University Council. The Senate, which is chaired by the Vice Chancellor, is the principal academic body. Senates are responsible “for institutional policies concerning curriculum, educational quality, admissions, examinations, award of degrees, and research” as well as advising the University Council on “academic employment, promotions, and the establishment of new academic units” (Saint 2010:19).

As already observed, the existing literature on university governance reforms leans towards the current governance arrangements and not the reforms that have been proposed in relation to the extant governance arrangements.

METHODOLOGY

The question that this article endeavours to answer is: “How does the Rwendeire Report envisage the governance of (public) universities in Uganda following the introduction of certain governance reforms since 2000?” The *Report of the Visitation Committee on Makerere University* or the Rwendeire Report (Government of Uganda 2016) was reviewed to answer the research question. The Visitation Committee on Makerere University, the oldest and largest public university in Uganda (Nabaho, Aguti and Oonyu

2016), was constituted in November 2016 by the Ugandan Head of State in his capacity as the Visitor of the University. Among the terms of reference of the Committee 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” (Government of Uganda 2016:xiv). Part of the report is dedicated to governance and management within the university (Government of Uganda 2016:59-72). The Rwendeire Report is important because it has ramifications for the entire higher education sub-sector and it is anticipated to inform a government White Paper that will set the stage for the amendment of the Universities and Other Tertiary Institutions Act (UOTIA), Uganda’s principal higher education legislation (Government of Uganda 2001).

The Rwendeire Visitation Committee was preceded by the Taskforce on Job Evaluation, Re-organisation of the Staff Structure and Financing of Makerere University which was led by the chairperson of the Makerere University Council (the so-called Omaswa Taskforce Report). It was constituted at the request of the central government in November 2011 against the backdrop of a staff strike over salary issues and unpaid allowances. The taskforce comprised ten members and consulted academia in various countries (Independent 2016; Lule 2016). The report, submitted as report in February 2014, made salient proposals regarding the governance of public universities in Uganda. The Omaswa Report was preceded by the McGregor Visitation Committee Report of August 2007 (McGregor Report 2007). This committee was constituted by the Head of State in March 2006 and entrusted with the task of conducting a situational analysis of public universities in Uganda. Unlike the Rwendeire Visitation Committee, which focused on Makerere University, the McGregor Visitation Committee examined all four public universities at the time: Makerere University, Mbarara University of Science and Technology, Kyambogo University and Gulu University. The Committee submitted a report to the appointing authority in August 2007 which culminated in the development of a government White Paper in November 2008. It ought to be noted that the recommendations in both reports were not implemented. Little wonder that one of the terms of reference of the Rwendeire Committee was “[t]o study the three earlier Reports: the McGregor Visitation Committee, Omaswa and Kabaasa Reports, and make actionable recommendations” (McGregor Report 2007:xv; Government of Uganda 2016).

Therefore, the document review of the Rwendeire Report was a main thrust for collecting data. This method could be described as “the careful examination of documents and their content in order to draw conclusions about the social circumstances in which the documents are produced and read” (Chiome 2012:110). Content analysis was used to

analyse the data that was obtained from the report. Through qualitative content analysis an examination occurred of the language in the text and the information was classified into categories that represented similar meaning (Hsieh and Shannon 2005). Open coding techniques were employed through an in-depth analysis of the content of this 370-page report. This resulted in organising the information extracted from the report into various categories (governance structure, composition structures and functions of structures) and themes (corporate governance, academic governance and administration).

UNIVERSITY GOVERNANCE: INSIGHTS FROM THE RWENDEIRE REPORT

The proposed governance reforms at corporate governance and executive leadership levels as well as at the academic heartland are discussed in this section. The corporate governance level reforms hinge on the supreme oversight organ (the University Council). Conversely, the executive leadership level reforms in essence concern the steering core of the academy. Finally, reform proposals at the academic heartland pertain to affairs around the University Senate and academic units of universities.

Reform proposals regarding corporate governance

The Rwendeire Report proposes altering the corporate governance architecture of public universities in Uganda. The striking proposals in the report include, *inter alia*, adoption of a lean and lay-dominated University Council as opposed to the 30-member University Council comprising 50% internal university members, disfranchisement of the Vice Chancellor, the introduction of competence-based councils, mandating the Minister responsible for (higher education) to appoint members of the University Council and the institutionalisation of a maximum membership term limit (Government of Uganda 2016).

Lean and lay-dominated university councils

The size of the current councils of public universities have been criticised for, among others, being unnecessarily big and almost balancing the number of internal and external stakeholders, thus undermining public confidence in the institutions. This has contributed to some governance dilemmas at institutional level. The voice for rethinking the size, and by implication, the composition of the oversight body is unequivocal in the report. Therefore, the report recommends a council of 15 members comprising:

Nine (9) independent members (from outside the University with knowledge, competencies and experience in key areas of higher education governance), a representative of the Makerere University Convocation, the Vice Chancellor as an *ex-officio* [member], one representative of academic staff as an *ex-officio* [member], one representative of non-teaching staff as an *ex-officio* [member], one representative of graduate students as an *ex-officio*, and one representative of undergraduate students as an *ex-officio* [member] (Government of Uganda 2016:62).

The proposed reform in the outlook of the University Council entails a reduction of the entire membership by half and of the internal stakeholders by two-thirds. Therefore, the proportion of external and independent members is 60%. This reform proposal, if adopted by the state, will occasion total winners, partial winners and outright losers as far as membership of the University Council is concerned. The winners, or those likely to retain their seats in the University Council, are the University Convocation as a stakeholder group and the Vice Chancellor. On the other hand, the partial winners are academic staff who will retain membership, though the number of slots would drop from two to one. The outright losers are the University Senate, which is currently represented in the University Council by two members, staff at the steering core of universities except the Vice Chancellor and all the external stakeholders, save the University Convocation. The University Senate could have been excluded from the University Council owing to the imperative to create a division of labour between the supreme governance body and the principal academic body. Generally, the report favours participation of the internal stakeholders in corporate governance through representation and the exclusion of external stakeholders from corporate governance. This reform proposal has the potential to change the university from being a stakeholder organisation to a partial stakeholder organisation, with the University Convocation featuring as the only external stakeholder group with a statutory right to participate in corporate governance. The exclusion of internal stakeholders may make universities appear as unrepresentative of a full range of external stakeholders and as undemocratic.

The proposed reforms under this theme are not an end in themselves. First, a lay-dominated corporate governance organ is anticipated to alter the current balance of membership – and ostensibly of power – between the internal members and the lay members in favour of the latter. Secondly, it is envisaged to promote some level of objectivity in arriving at decisions. Under the current arrangement, where 50% of the members are non-independent members (staff and students), breeds conflict of interest, thus “clouding objectivity in making decisions affecting the University” (Government of Uganda 2016:39). Thirdly, it aims at lessening “stakeholderisation” of the University

Council. Stakeholderisation of Council arises when Council members exclusively pursue the vested interests of the constituencies that elected or nominated them at the expense of the interests of the institution. Arguably, “stakeholderisation” of Council is responsible for the endemic crisis of governance at the institutions. Finally, it is anticipated to pave way for constructive debate that has been found to be lacking in large councils.

Disfranchisement of vice chancellors

The Chief Executive Officer, in line with good practice in corporate governance, stands to lose voting rights and, therefore, decision-making powers in the University Council. Disfranchisement of the Chief Executive Officer is explicit in the report. Under the proposed reform, the Vice Chancellor will have leeway to influence decision-making through persuasion and lobbying rather than through casting the ballot. This reform proposal reflects an attempt to mirror governance practices in the corporate world and to remodel the University Council as a corporate board. The proposed denial of voting rights to the Chief Executive Officer could be intended to facilitate smooth implementation of the resolutions of the oversight organ without being constrained by the side his/her ballot took.

Competence-based university councils

The current size of the University Council is rationalised by the imperative to ensure representation of constituencies in university governance. The Rwendeire Report proposes a shift from the current constituency-based mode of representation in a university council to a competence-based approach. According to this Report, “[t]he constituency representation model of University governance ... should be replaced with competence-based membership” (Government of Uganda 2016:62). This is in line with the Omaswa Report calling for the University Council members to be experienced and highly competent, and to operate effectively in a business-like manner (Lule 2016). This recommendation in the Rwendeire Report has been, therefore, informed by the realisation that university councils, owing to the election or nomination of the members on the basis of their popularity or other subjective grounds, are inexpert and lack a balance of skills and experiences to steer universities in the current marketised environment. Therefore, the current practice of constituting the councils of public universities breeds straw people who depend on the strategic guidance of the Vice Chancellor and also serve as his/her rubber stamp. However, the report is non-committal on the specific competencies or the criteria for eligibility. It holds the view that the requisite competencies should be informed by both the changing corporate governance context and the changing higher education landscape.

Nevertheless, incongruity between the Visitation Committee Report recommendation that the constituency-based model of representation should come to an end and the actual composition of the University Council is apparent. Whereas the Visitation Committee Report recommends an end to the constituency-based membership model, it dilutes the well-packaged and justified proposal by providing for the representation of the principal constituencies – the University Convocation, academic staff, non-teaching staff, graduate students and undergraduate students – in the University Council. Therefore, it can be inferred that the representation of the internal stakeholder group or constituencies is integral to the recommended corporate governance architecture of public universities. However, the only reform proposal in this respect revolves around mainstreaming the ability dimension into the selection practices of the representatives of the internal stakeholders and the University Convocation. Another area to contemplate is whether undergraduate students – the majority of whom are high school leavers – would qualify for membership in view of the membership standard of being “... highly accomplished men and women with a wide range of experience to handle complex higher education issues” (Government of Uganda 2016:62) or whether exceptions can be made for some stakeholder groups in the interests of nurturing democracy.

Appointment, discipline and removal of members by the line Minister

The report recommends appointment of the members of the University Council by the Minister responsible for education. However, it is not clear whether this appointment should extend from the independent to the *ex-officio* members. Finally, the report is silent on the procedures to be followed prior to appointment. It also entrusts the Minister with the powers to exercise disciplinary control over and to remove members of the University Council from office.

Term-based membership

The report has identified what may be referred to as “careerism” – the tendency to serve Council for many years – by some University Council members. These individuals exploit the weaknesses associated with the statutory requirement to serve a particular constituency for a maximum of eight years to switch constituencies and represent them. Specifically, the report highlights that “[t]he Committee noted the existence of near lifetime members of Council metamorphosing from representation of one constituency to another for Council membership longevity” (Government of Uganda 2016:46). This manoeuvring by individuals was criticised for promoting “negative group culture whereby long-serving members dominate Council business with old methods of doing

things at the expense of innovative ideas and advice emanating from new members” (Government of Uganda 2016:46); hence, affecting the effectiveness of the University Council. The report, therefore, recommends institutionalisation of a maximum term limit of eight years. The term limits will pave way for councils to bring on board new members with new competencies and perspectives to steer universities in the constantly changing higher education terrain. To retain valuable skills, preserve institutional memory and introduce new expertise, the report recommends a staggered rotational approach as follows: “[F]or preservation of institutional knowledge, all Council members should not be replaced at once. There should be a plan to replace 5-10 members every cycle, retaining five to provide institution memory” (Government of Uganda 2016:67).

The idea of replacing the members can work best with the independent members other than the representatives of particular stakeholder groups. Therefore, the practice of replacing 4-5 of the independent members is tenable. This may necessitate that either four or five of the independent members are retired after their first term in the University Council.

Reform proposals at the executive leadership level

Three reforms are suggested as far as the issues at the steering core of a public university is concerned. The themes pertain to the appointment of university executives, professionalisation of the Vice Chancellor’s job and strengthening the executive authority of the Vice Chancellor.

Appointment of university executives

Under the current higher education legal regime, the Vice Chancellor of a public university is appointed by the Chancellor – the titular head of the university – on the recommendation of the University Council from among three candidates recommended by the University Senate. Operationally, a search committee comprising two members of the University Council and three members of the University Senate identifies suitable candidates for the post and forwards their names to the Senate to nominate three candidates for recommendation to the University Council which, in turn, submits the names to the Chancellor for appointment.

The current selection practice for the Vice Chancellor – which also applies to the Deputy Vice Chancellors – was blamed by the Rwendeire Report, *inter alia*, for its failure to deliver the minimum required leadership, polarising the university and promoting inbreeding, since it locked out candidates outside the university (Nabaho 2019). Therefore, the report recommends a change from election to appointment of the executive leaders of universities as follows: “The Vice Chancellors of public universities should be appointed by the Minister responsible [for education] upon recommendation of the respective University Councils” (Government of Uganda 2016:xix) following an open competitive exercise that is free from politicking. For the Deputy Vice Chancellors, the same process is recommended but the University Council should remain the appointing authority. The proposed arrangement for appointing and disciplining the Vice Chancellor by the Minister could have been aimed at guaranteeing the security of tenure of the Vice Chancellor.

Professionalisation of the Vice Chancellor’s job

In Uganda, there is no profile for the Chief Executive Officer (CEO) of a public university. Cognisant of the above, the report recommends that “[t]he profile and person specifications of the Vice Chancellor should be provided in the Gazetted Governance Charter of the University” (Government of Uganda 2016). This suggests that the Visitation Committee has opted for particularisation rather than standardisation of the person specifications of the Vice Chancellor. The proposal, if adopted by the government, implies that there is a likelihood of different public universities having different profiles for the Vice Chancellor.

Strengthening the post of Vice Chancellor

Section 31 of the UOTIA creates the post of a University Secretary and entrusts the role-holder with two statutory functions: secretary to the University Council and accounting officer of the university (Government of Uganda 2001). However, there is a perceived conflict in the law because the UOTIA assigns the Vice Chancellor province over the financial affairs. As part of strengthening the post of Vice Chancellor, the report recommends that “[t]he Vice Chancellor should be the Chief Executive and Accounting Officer of a Public University” and that the role of the University Secretary should be redefined to “Director Legal and Secretary to University Council (Corporation Secretary)” (Government of Uganda 2016:68). This realignment of the roles is designed to create a strong executive authority. This stems from the fact that the Vice Chancellor should have control over the university finances if the role-holder is to be held accountable for executive implementation.

Reform proposals relating to academic governance

The proposed reforms regarding academic governance hinge on two questions, namely who should be a member of the principal academic governance organ (the University Senate) as well as what the responsibilities and powers of the University Senate should be within an institution of higher learning.

Composition of Senate

In public universities in Uganda, membership of the University Senate is defined in the legal framework for higher education. Membership of the Senate is by virtue of the position held in the university, through representation of particular constituencies within the university and by ministerial appointment. The Minister responsible for education is required to appoint from the public “three persons who are capable of contributing to the academic and social development of the University” (Government of Uganda 2001; Makerere University no date).

The Visitation Committee Report recommends an overhaul of the current Senate membership criterion – from predominantly representing particular constituencies to a demonstrated ability to execute the academic governance roles. The report further suggests that the requisite competences for members of the Senate should be contained in the Senate Charters to “enable the University to respond to the dynamics imposed to (sic) it by adopting strategies for competitiveness from time to time but not in the Principal Act” (Government of Uganda 2016:62). The Committee Report further recommends that “the composition and membership of Senate should be the remit of the University Council” (Government of Uganda 2016:68) as opposed to the current overly restrictive prescription of the membership in the Act which limits “the relevance of Senate’s mandate in the dynamic pursuit of excellence with specific reference to the Strategic Plan of a particular University” (Government of Uganda 2016:48).

The powers the report grants to the University Council in respect of shaping the outlook of the University Senate points to two insights. First, the University Senate should be in a subordinate position to the University Council. Finally, universities, as corporate entities, have latitude to determine whether to embrace a unicameral or a bicameral model of university governance. Bicameralism would necessitate that the University Council assign financial and oversight powers to itself while the University Senate would have a

remit over all academic affairs. Unicameralism, when adopted, would entail either the University Council delegating its academic governance functions to the University Senate or the University Senate operating as a sub-committee of the University Council. The latter academic governance arrangement dictates that the University Senate loses decision-making powers and that its decisions constitute recommendations to the University Council for approval. However, the recommendation can occasion a situation where the University Senate can be granted both decision-making and advisory roles, thus blurring the dividing line between bicameralism and unicameralism as models of university governance.

Functions of the Senate

The UOTIA stipulates the functions of the University Senate. However, the Rwendeire Report is opposed to the practice of prescribing the functions in the Act by asserting:

The Principal Act (UOTIA) should not prescribe the functions ... This should be done by the University Council through a Senate Charter or Handbook, in tune with the University's Strategic Plan from which the relevant internal governance and management structures are derived and given effect (Government of Uganda 2016:68).

CONTEMPLATIONS AND THOUGHTS ON UNIVERSITY GOVERNANCE

The Rwendeire Report suggests a plethora of university governance reforms for Uganda's higher education space. The governance reform proposals stem from the perceived deficits in the current governance framework for public universities and bear the hallmarks of the university governance practices in both developing and advanced economies. Mimetic isomorphism – or policy borrowing from other higher education spaces and universities in other national jurisdictions – is unavoidable since the Visitation Committee employed the benchmarking methodology and makes constant reference to the “best practice” in other countries and universities to reinforce some of the recommendations.

The corporate governance reform proposals relate to reducing the size of the University Council and changing the membership criterion of the University Council from the current constituency-based model to a competence-based model. The desirability of

having a smaller university council has been highlighted by OECD pertaining to European and other institutions. The recommendations contained in the Rwendeire Report on the size of the University Council (Government of Uganda 2016) is in line with OECD recommendations that a university council should ideally consist of between 12 to 25 members (OECD 2003). The need for a competence-based oversight body was equally raised by the Omaswa Report of 2014 and also features in the public discourse on university governance. Arguably, the reform proposal aims at addressing the skill deficits in the governance organ, making universities more entrepreneurial and competitive, and strengthening the oversight bodies to steer the universities in the highly competitive and rapidly changing higher education landscape in which the stakeholders' expectations of universities as development actors have escalated. Whereas the Omaswa Report is silent on the competencies, in a report by the South African Department of Higher Education and Training, these competencies are identified as higher education, business/finance, information technology, human resources, law, facilities, communication and marketing (DHET 2016).

However, it should be noted that competence-based university councils can skew the universities away from the needs of society or community at a time when there is greater recognition that universities should be sensitive to the needs of society as well as contribute to their achievement. This calls for blending expertise with a deep understanding of the political, social and economic challenges that Ugandan society anticipates leapfrogging through higher education. The above notwithstanding, it is pertinent to delve into the likelihood of the government adopting the recommendation and eventually implementing it. The starting point is to interrogate why the government of Uganda could not have implemented a similar recommendation in the Omaswa Report (Lule 2016) which was accompanied by another recommendation to the Ministry of Education and Sports (MoES) to “fast track the necessary amendments to UOTIA Section 38 to enable implementation” (Government of Uganda 2016:46) of the recommendation.

The government seems not to have “fast tracked” – or ignored – the seemingly urgent proposal in the Omaswa Report because non-constituency-based oversight is incongruent with Uganda's post-2000 practice of constituting corporate governance organs of public sector organisations, the uniqueness of universities notwithstanding. The current practice entails representation of the key stakeholders under which, except for the *ex-officio* members, the rest of the members of the oversight organs derive their mandate from the stakeholder groups in a particular sector that are assumed to have an interest in the effective performance of the respective public entities. This model is entrenched in all the

public institutions under the oversight of the MoES and in the public agencies that have been established either by Acts of Parliament or by subsidiary legislation.

The constituency-based model seems to appeal to the state for four reasons. First, ministerial appointees, regardless of the robustness of the criteria followed, lack legitimacy outside government circles. Second, the appointment of all the members of the governance organs may be (mis)construed as a scheme by the government to resurrect state control through political appointees which can, inadvertently, lead to politicisation of universities. Third, the constituency-based model, which includes the line ministries and other critical ministries such as the Ministry of Finance, Planning and Economic Development (MoFPED), provides the state with an opportunity to exercise on-site oversight of the semi-autonomous public institutions. Therefore, despite the steering-at-a-distance model, the representatives of government ministries also act as *de facto* government eyes and ears in the semi-autonomous public institutions. Similarly, the representatives of government ministries provide expertise in some areas, including, but not limited to, financial management, human resource management and governance which may be lacking among the representatives of the various stakeholders. Finally, the merit-based model would make the universities lose the texture of stakeholder organisations and also weaken the relationship between public universities and the public or society as well as accountability to the community. Arguably, the constituency-based model promotes stakeholder involvement (ensuring that governance decisions take into account the view of appropriate stakeholders), something that cannot be effectively achieved through consultation and participation in committees. Therefore, reform decisions by governments are not solely informed by efficiency and effectiveness concerns. In view of the above, the chances of shifting to a merit-based University Council appear to be slim.

The government's adoption of the recommendation pertaining to competence-based university councils has not been ruled out. However, if this proposal is to be embraced, the members should be identified through an independent professional process as opposed to the current practice under which universities present the names to the Minister for appointment.

The report agitates for a shift from the election to the appointment of staff at the steering core (the Vice Chancellor and his/her deputies) and academic leaders. The recommendation is premised on the notion that elections do not deliver the minimum required leadership to steer the institutions and politicises an academic exercise. This

school of thought is in sync with the World Bank's (2000) view that appointed leaders are "prejudiced in favour of the status quo", are "less likely to allow their programmes to be stalled by lack of consensus" (World Bank 2000:65) and have the potential to take unpopular decisions. It is also in line with the OECD perspective that newly appointed staff members normally experience few hurdles to implement major changes that cut across vested interests (OECD 2003). Ideally, such appointments would be based on leadership and managerial qualities and the traditional academic skills. Nevertheless, the McGregor Visitation Committee Report (2007) was in favour of maintaining the status quo or subjecting some sections of staff to the ballot. As Kasozi indicated, the McGregor Committee felt that "even though the election method by [the] peers was difficult, the development of a democratic behaviour in societies might require passing through such painful processes" (Kasozi 2016:95). As Sall and Oanda (2014) emphasised, in some countries the shift occurred from electing to appointing executive and academic leaders.

The reform menu at the corporate level also pertains to scaling up external involvement in university governance through having more external members. This trend has been witnessed in some countries in continental Europe as the example of the University of Copenhagen in Denmark indicates (Gornitzka, Maassen and De Boer 2017). However, the situation at the University of Amsterdam in the Netherlands and at the University of Zurich in Switzerland is rather different. At these universities, as a result of national legal frameworks for higher education, the oversight body comprises lay members only who are appointed by the state (Donina and Hasanefendic 2019). On the other hand, at the University of Vienna in Austria the oversight body comprises four external members appointed by the state, four internal members appointed by the University Senate and one member appointed by the eight other appointed members (Gornitzka *et al.* 2017). In these cases, students are not participants in the corporate governance processes. However, the Norwegian experience is rather an outlier: the oversight body at the University of Oslo comprises ten members of which four are internal staff, four are external and two are students' representatives (Gornitzka *et al.* 2017). It can, therefore, be inferred that there is no one-size-fits-all corporate governance architecture in continental Europe.

It is also worth noting that the African Union, in the African Standards and Guidelines for Quality Assurance in Higher Education (ASG-QA), maintains strategic silence on the size, composition, appointment and functions of the University Council. It is plausible to argue that the supranational body could have viewed these as matters being within the realm of national higher education systems and higher education institutions, and it being risky to homogenise. However, the AUC is emphatic on the participation, which may not be necessarily through representation, of students in decision making in the governance

organs. This is consistent with the Omaswa Report which has recommended participation of students in both corporate and academic governance through providing them with the opportunity to present their views in the committees of the University Council and the University Senate (Nabaho 2019).

Regarding the academic governance function, the report suggests that the membership of the University Senate be competence-based and not prescribed in higher education legislation. The idea of a competence-based Senate resonates with the extant literature. Baird and Woodhouse (2007:10) recommend that academic Senates “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.” Arguably, the quality of the members of the Senate has a bearing on its effectiveness in discharging the academic governance roles (Nabaho 2019). The drive towards a competence-based Senate is buttressed by the notion that the Senate is “...the heartland of the university, which is responsible for its reputation and its key performance indicators” (Shattock 2017:ix) because Senate deals with the reason for the existence of a university – teaching and learning and research (Rowlands 2017).

Finally, the Visitation Committee Report recommends that the functions of the University Senate not be embedded in the principal higher education legislation but prescribed in the gazetted Senate Charter so that the functions can be reviewed whenever the need to do so arises in line with the corporate strategy. In other words, the report favours contextualisation of the functions of the Senate at institutional level rather than standardisation of the same. This seems to suggest that the university (or the corporate) strategy should shape the functions of the University Senate as well as its membership.

However, the view articulated here is that the functions of the University Senate cannot be shaped by the corporate strategy. Differently put, the corporate strategy, especially the academic aspects of it, should be responsive to the functions of the University Senate that have evolved with the development of higher education and that seem to be agreed upon by the stakeholders in the higher education sub-sector based on the nature of universities. In keeping with the above, the extant studies consider the functions of the Senate as rotating around “assuring academic quality including academic freedom, academic integrity, assessment, admissions, and research conduct” (Dooley 2007:25) as well as dealing with matters of teaching, research and programmes. Therefore, it can be inferred that the University Senate has an overarching responsibility of monitoring academic policy and standards as well as protecting academic freedom. The variant in the national

higher education spaces regarding university senates may relate to whether in the exercise of these functions, the University Senate plays an advisory role to the University Council (the unicameral model) or has decision-making powers over academic questions (the bicameral model) and matters relating to academic standards.

What academic governance therefore entails – as well as the functions of the Senate – is too important a matter to be relegated to universities. Doing so would run counter to Uganda’s legislative practice which prescribes the functions of the principal organs in the relevant legislation. The retention of the functions of the Senate in the principal higher education legislation provides a similar frame of reference for higher education institutions, standardises the functions across Uganda’s higher education space and defines the nature of the Senate. However, this does not negate the fact that the University Council can delegate some of its functions to the Senate or assign new roles, in addition to the statutory ones, to the University Senate.

CONCLUDING REMARKS

Two relevant points of conclusion emanate from the discourse above. Firstly, the university governance reform proposals can be analysed from three angles: as an attempt to fix the holes in the current university governance arrangements, as a mimicking of the university governance practices of other universities which may be considered model universities and as an attempt to import the business models which are advocated by NPM into university governance. However, whereas there is a homogenisation of the form of university governance structures, though with variations in nomenclature, internationalisation or convergence of the substance of the shared governance organs (Council, Senate and Management Board) of the academy. Arguably, the reform efforts at national level, therefore, only shape the substance as opposed to the form of the principal governance organs.

A second concluding aspect is that the collegial tradition of universities ought to be respected, and staff and students are eligible players in the governance bodies. It is the collegial tradition as well as the missions of universities that make universities different from other organisations. It is under this premise that the Rwendeire Report, unlike the Omaswa Report, recommends a total “corporatisation” of university councils or remodelling as corporate boards with lay councils with chief executive officers serving as *ex-officio* members, and provides for the representation of the internal stakeholders and

the University Convocation in the University Council. However, the internal stakeholders, according to the report, ought not to perceive themselves as fulfilling a representative role but as critical players in the university's strategy. The basis for their representation in corporate governance ought to be built on consensus and pave the way for effective policy implementation.

It is hoped that this article will contribute to the knowledge of university governance through its examination of the proposed governance reforms for public universities as highlighted in this critique of the Rwendire Report. A well-governed higher education sector (specifically public universities in this case) is important for capacity building, knowledge creation and dissemination as well as the sustainable social and economic development of the African continent. It is therefore important to constantly study and analyse the way in which universities are governed and through complementing the existing literature we trust that a contribution could be made to reforms and improved governance in several African jurisdictions.

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