

## **A BRIEF ON THE MISR INVESTIGATION REPORT- 2016**

This report follows an in-depth investigation conducted between 25<sup>th</sup> April 2016 and 19<sup>th</sup> May 2016 by an Investigation Committee which was constituted by the Appointment Board following the unfortunate incident of stripping by Dr. Stella Nyanzi, on Monday, 18<sup>th</sup> April 2016.

**The Committee was given seven Terms of Reference listed below:**

1. To review the management of the PhD programme at MISR
2. To establish how research at MISR is managed.
3. To establish how research fellows relate to the PhD programme
4. To review the staff structure, establishment and reporting hierarchy at MISR
5. To investigate the disagreement between Prof. Mahmood Mamdani and Dr. Stella Nyanzi.
6. To ascertain the working conditions/environment at MISR.
7. To review the management of financial and other resources at MISR

From the in-depth investigations conducted as detailed out in the main report, the committee made a number of observations in relation to the allegations and counter allegations made by the University staff and students which are listed under each term of reference:

### **TOR.1      Review the Management of the PhD Programme at MISR:**

#### **Observation**

- i. The PhD in Social Studies at MISR was approved by the University Senate on 30<sup>th</sup> November, 2011, by the University Council on 14<sup>th</sup> December 2011, and by the National Council for Higher Education (NCHE) on 12<sup>th</sup> July 2012 (Ref. NCHE/GR/AC/91 of July 12, 2012). Therefore it was institutionalized.
- ii. MISR was still bringing on board a number of changes and policies for the implementation of the MPhil/PhD programme by the time of the investigation. The MPhil/PhD programme was still in its pilot implementation stage. It is scheduled for an external evaluation after the first cohort graduates.
- iii. The MPhil/PhD in Social Studies programme as approved by the NCHE required academic staff at MISR to devote 50% of their time to teaching and 50% of their time to research.
- iv. All students on the MPhil/PhD in Social Studies programme at MISR were on fully funded scholarship and students had to maintain good academic standing as a condition to retain the scholarship.

#### **Recommendations**

- i. The Director MISR should ensure that all policy documents required for implementation of the PhD programme are finalized before the roll out into the next phase of the PhD.

- ii. All Staff and students in MISR need to be asked to submit to university policies and procedures.
- iii. The MPhil/PhD programme should be supported as any other University programme which needs to be nurtured to maturity, with aligned requirements including staffing and financing.

## **TOR.2 To Review how Research at MISR is managed**

### **Observation**

- i. MISR had four group research projects which included: Beyond criminal justice, Land Access, Conflict and Governance, Building and Reflecting on Interdisciplinary PhD Studies for Higher Education Transformation and Migration.
- ii. Research funding was through the research groups, which all students and staff were free to join.
- iii. Dr. Nyanzi was not participating in MISR sanctioned research, and as a result her research projects and funds were channeled through the Gender, Law and Sexuality Centre of the School of Law, which also provided her with office space for her research assistants.

### **Recommendations**

- i. All members of staff should participate in MISR sanctioned research as a strategy of attracting funding for the Institute.
- ii. MISR should disseminate information on how other University staff can have their research hosted at MISR.

## **TOR. 3 To Review how Research Fellows relate to the PhD Programme**

### **Observations:**

- i. The PhD in Social Studies at MISR as approved recognized research fellows as the course instructors. They were required to devote 50% of their time to teaching and 50% of their time to research
- ii. All Research Fellows at MISR, with the exception of Dr. Stella Nyanzi, were involved in teaching and supervising PhD students. Inadequate staffing and the refusal of one research fellow to teach resulted into a heavy workload on the few academic staff.

### **Recommendations:**

- i. To promote the vibrancy of research and innovation all academic research staff, including Research Professors and Associate Professors should be employed on contractual terms. The terms of service should remain five years, renewable as provided for in the Makerere University Human Resource Manual.
- ii. Teaching and supervising PhD students should be emphasised as an obligation of Research Fellows in all research units that have a teaching component. With specific

regard to MISR, teaching on the PhD programme should be encouraged as it is the engine of research at the MISR.

- iii. Mechanisms for checking staff indiscipline and insubordination as provided for in Makerere University Human Resource Manual should to be implemented.

**TOR.4      Review the Staff Structure, Establishment and Reporting Hierarchy at MISR**

**Observations**

- i. Prof. Mamdani's appointment as Director MISR required him to report to the DVC (AA). Yet under the Collegiate system he is required to report to the Principal CHUSS. He had no direct reporting relationship with the VC and MISR Director was not a member of any of the committees/ boards/senate where management decisions were made and for which the VC was the Chairperson.
- ii. The Director MISR sought prior permission to fill vacant posts and in all the meetings which were held by MISR management to consider appointment of staff at MISR, the Human Resource Manager of CHUSS was invited to attend and offer technical guidance.
- iii. The advert of 14<sup>th</sup> December 2009 to which Dr. Nyanzi responded, the Human Resources Manual 2009 Section 6.2 and the Makerere University Policy on Appointment and Promotion of Academic Staff as reviewed by the University Council in July 2006 Section 8.0 provides that Research Fellows are appointed on a 5 year renewable contract.
- iv. Dr. Stella Nyanzi was therefore erroneously issued an appointment letter on permanent employment terms as a research fellow which is a contractual job. The subsequent Confirmation in her appointment was also erroneous.
- v. Of the 24 academic staff provided for in the MISR Staff Establishment as approved by the University Council in 2006, MISR had only five posts filled.
- vi. Dr. Stella Nyanzi continued to refuse to teach in defiance of the demands of Prof. Mamdani and in total disregard of the terms and conditions in her employment contract, provisions of the Makerere University Human Resource Manual 2009, Makerere University Policy on Appointment and Promotion of Academic Staff, as reviewed and approved by the University Council in July 2006 and the advert of 14<sup>th</sup> December 2009 she responded to, which clearly stated that the post she was applying for was contractual and that she would be required to perform any other related duties as may be assigned by the supervisor.

**Recommendations**

- i. The University should invest in the functionality of the collegiate system as provided for in the College Statute by re-engineering a number of business processes to mainstream the reporting lines and create a functional shift from the faculty based system to a collegiate system. This will call for a review of a number of University policies which include but are not limited to the Human Resource Manual and Financial procedures manual among others and conducting of change management sessions.



- ii. Mindful of the fact that MISR majorly concentrates on research and post graduate training, its identity and full placement under CHUSS should be fully thought through in relation to its mandate in order for it to stand the test of time.
- iii. The Director HR should make a submission to the Appointments Board requesting for a corrigendum in relation to the terms of appointment of Dr. Stella Nyanzi and a rescind of the decision of the Appointments Board which confirmed her in the service of Makerere University.

**TOR.5 To Investigate the Disagreement between Prof. Mahmood Mamdani and Dr. Stella Nyanzi.**

**Observations:**

- i. The disagreement between Professor Mahmood Mamdani and Dr. Stella Nyanzi stemmed from the consistent demand by Professor Mamdani that Dr. Stella Nyanzi participates in teaching on the MPhil /PhD programme and in MISR research projects, which demand Dr. Nyanzi persistent defied.
- ii. The Makerere University Human Resource Manual 2009, Section 2.2 (a) (x) provides that *'all academic staff shall be staff engaged in teaching, research and outreach to the community in line with the mission of the University'*. The appointment letter issued to Dr. Stella Nyanzi stipulated that she was responsible to the Director MISR and the Director was supposed to facilitate her in her work and to assign her duties. Accordingly, it is our interpretation that Prof. Mamdani's act, in his capacity as a Director MISR, requiring Dr. Nyanzi to teach on the PhD programme was proper and in line with Dr. Nyanzi's terms of employment.
- iii. Dr. Stella Nyanzi's refusal to take up the teaching role assigned to her by the Director of MISR was in breach of the terms of her appointment which she accepted in writing and therefore an act of insubordination. Under section 5.7 (3) of the Makerere University Human Resource Manual, willful insubordination or disobedience and refusal to take lawful orders constitutes grounds for disciplinary action.
- iv. Inaction to the concerns and grievances raised by Dr. Stella Nyanzi and Professor Mahmood Mamdani by the Director HR and the limited interest in the matter by the University Management escalated the disagreement, creating factions at MISR, which led to the said nude public demonstration by Dr. Stella Nyanzi at MISR on 18<sup>th</sup> April 2016.
- v. The failure by the Director HR to address the concerns and grievances of both Professor Mamdani and Dr. Stella Nyanzi in time was a sign of complacency and negligence of duty.
- vi. The nude demonstration by Dr. Stella Nyanzi on April 18<sup>th</sup> was pre-meditated, and planned with some MISR students sympathetic to her. By stripping and staging a premeditated nude demonstration, when she was still in possession of her office keys, Dr. Stella Nyanzi contravened Section 5.1(a) of the Makerere University Human Resource Manual which provides that an employee shall act at all times in a reasonable and responsible manner.
- vii. The act of smearing MISR premises with heavy red paint by Dr. Stella Nyanzi contravened Section 5.6 of the Makerere University Human Resource Manual which

provides that proven misuse of or damage to University property shall constitute grounds for disciplinary action.

- viii. In the presence of her two legal counsels, Dr. Stella Nyanzi denied having any medical condition known to her except dysmenorrhea. She further stated that this was a condition she experiences monthly and it did not require University help since it is common in many women.
- ix. The VC was taking a back seat in matters relating to staff performance and academic affairs despite the provision of Section 31 (1)(a) which makes him responsible for academic, administrative and financial affairs of the University. From the minutes of the management meetings provided to the committee, there was no evidence that the University Management had ever discussed the matter since January 2016 to April 18<sup>th</sup> 2016 when the disagreement went out of hand.

#### **Recommendations**

- i. Dr. Nyanzi should be subjected to disciplinary action in line with Section 5.8 of the Makerere University Human Resource Manual which categorises the actions and omissions she committed as gross misconduct, and Section 5.9 (d)(i) which prescribes the possible disciplinary action for gross misconduct.
- ii. The University should enforce conflict management and grievance handling mechanisms as embedded in the Human Resource Manual and the Public Service (Negotiating, Consultative and Dispute Settlement Machinery) Act of 2008 to avoid reoccurrence of the same.
- iii. All staff in management positions should always provide professional and timely advice and ensure that matters beyond their control are referred to management for discussion with a view of arriving at viable solutions, the failure of which should make them personally and pecuniary liable for their inactions.
- iv. The Director HR is liable for disciplinary action in line with Section 5.7(8) of the Makerere University Human Resource Manual for her failure to address the correspondences directed to her by Dr. Stella Nyanzi, Professor Mahmood Mamdani and the DVC (AA) which required her to provide professional and timely advice. Her failure to take action became prejudicial to the proper performance of duties, the University image and status internally and externally.

#### **TOR.6 To ascertain the working conditions/environment at MISR.**

**The Investigation Committee conducted a physical inspection of MISR and made the following observations:**

- i. MISR had adequate facilities in terms of sitting space, sanitary provisions, library services etc for the staff and students.
- ii. Employees and students of MISR had insurance cover under Jubilee Insurance except, Dr. Stella who was reported not to be participating in any of the programmes at MISR. All staff and students at MISR were being provided with breakfast and midday meals, water dispensers were visible in offices and in the corridor in the basement for provision of wholesome drinking water to staff and students.



- iii. MISR had a well-stocked First AID Kit. Cleaners, Library Attendants and grounds men at MISR, were provided with the necessary tools for their work and protective wear like gloves, masks, aprons and gum boots.
- iv. MISR had fire extinguishers but they were last serviced in 2014 and there were no provisions to access people with disabilities and in some cases, available sanitary facilities were not marked by gender.

#### **Recommendations**

- i. MISR should make provision for people with disabilities by providing for ramps, designated sanitary facilities for people with disabilities and it should mark all available sanitary facilities by gender.
- ii. Since not all people affected by HIV/AIDS are infected, the Director HR should develop the University's HIV/AIDS workplace policy for Institutions like MISR to customize it to their own situation to minimize infection and help the infected to live positively.
- iii. The fire extinguishers should be regularly serviced if they are to serve the purpose for which they were procured; some staff and students should be trained to operate them.
- iv. MISR should designate fire assembly points within its premises.

#### **TOR.7      Review the Management of Financial and other Resources at MISR**

##### **Observations**

- i. The university was only contributing 66m to MISR's budget annually but by the time of the investigation MISR had only received 50% of the latter.
- ii. All projects and donor funds of the University, including those of MISR, were received on a designated account, under the Manager Grants and Projects, Directorate of Finance, Planning, Administration and Investment.
- iii. Every transaction made on the MISR account was being initiated by MISR, pre-audited by the Directorate of Internal Audit and sanctioned by both the University Bursar and the University Secretary.
- iv. CHUSS where MISR was placed after the approval of the collegiate system was last audited by the Directorate of Internal Audit in the FY 2011/12 and MISR had not been audited for the last five years, making it difficult to assess its compliance levels.
- v. The Directorate of Internal Audit was only directing its efforts to pre-auditing of all transactions of MISR at the expense of post audit.
- vi. MISR procured a Consultancy (A.H. Thakkar and Sons) which was approved by the Donors and the University Secretary to undertake a review of its finances. The review report highlighted a number of financial irregularities; Mr. Perez Arinaitwe (the University Accountant then) and other staff under his supervision were implicated in the report.

### Recommendations

- i. The practice of having all funds for MISR activities received through a donor account centrally designated for MISR by the University, and every transaction made on that account initiated by MISR and sanctioned by both the University Bursar and the University Secretary connotes good practice and should be maintained.
- ii. The University should emphasize integrity and professionalism for its Accounts staff both at hiring and during their work life to enable them perform even under high donor expectations.
- iii. Errant staff should be appropriately disciplined and where one occasions a loss to the University he/she should be compelled to make good the loss or face more stern disciplinary action. This will deter re-occurrence of the same.
- iv. The Ag. Director of Internal Audit should clear his doubt about the authenticity of the A.H. Thakkar review report by prioritizing the auditing of MISR to verify the findings of the Consultant and if found true, form a basis for disciplining the implicated staff to deter re-occurrence of the same.
- v. The University should increase its annual allocation to MISR and also think of alternative ways of financing MISR in the event of decrease or withdrawal of donor funding.



### DECLARATION

We the undersigned do hereby declare that all the information contained in this report arose out of an in-depth investigation into the issues of Makerere Institute of Social Research (MISR) carried out by us as directed by Makerere University Appointments Board.

1. Hajjati Buzeki Sharifah

Chairperson

Signed.....

2. Dr. Sarah Ssali

Member

Signed.....

3. Prof. Sarah Kiguli

Member

Signed.....

4. Mr. Jude Mbabaali

Member

Signed.....

5. Mr. Godwin Okiror

Secretariat

Signed.....

INVESTIGATION COMMITTEE  
MAKERERE UNIVERSITY APPOINTMENTS BOARD  
MAY 2016