

RECOMMENDATIONS BY THE GRADUATE STUDENTS ASSOCIATION OF GHANA ON THE PUBLIC UNIVERSITY BILL 2020

1. BACKGROUND

The Graduate Students' Association of Ghana (GRASAG) was started in the year 1993 to promote, improve and coordinate postgraduate studies and the lives of the students pursuing these studies in all tertiary institutions in the country. The Association exists to also champion the course of member institutions in fighting for their rights and privileges provided for by the laws of Ghana or the statutes establishing the respective member universities. It is an objective of the Association to collaborate with other student associations and unions in the country and elsewhere in matters of mutual interest as well as organizing lectures, symposia, debates, meetings and any other activity, which generally promotes the welfare of member institutions. GRASAG currently operates local chapters in nineteen (19) public and private universities with local representatives (Executives) on all-important boards/committees of their respective universities including the highest decision making body (University Council).

In May, 2019, the government through the Ministry of Education issued the Ghana Tertiary Education Policy which, inter alia, was to bring together all the different pieces of isolated policy and regulatory guidelines in one place that will provide a focal point of reference for tertiary education. This policy framework gave birth to the Public Universities Bill, 2020 which has been laid in parliament by Hon. Dr. Matthew Opoku Prempeh (MP), Minister of Education.

We, as an Association, have noted some concerns in the Bill as laid in parliament and we would like to bring this to the attention of your select committee for due perusal and consideration. These are outlined as follows under the sub-headings: Issues identified; Current Practices/Experience; Practices in other parts of the world; Provisions in other parts of the Bill; Recommendations; and Conclusion.

2. ISSUES IDENTIFIED

There are three main issues identified in the Bill which are found in **Sections 5, 12 and 39** under University Council and Miscellaneous Provisions respectively. They are outlined as follows:

i. **Section 5 (1): University Council**

The Bill spells out the composition of the University Council as follows:

- (a) Chairperson nominated by the President;
- (b) The Vice-Chancellor of the public university;
- (c) Five persons nominated by the President, at least two of whom are women;
- (d) One representative of:
 - (i) The academic staff nominated by the academic staff associations of the academic staff;
 - (ii) Non-academic senior members nominated by the non-academic senior members;
 - (iii) Junior and senior staff nominated by the junior and senior staff; and
 - (iv) Students' Representative Council elected by the Students' Representative Council;
- (e) One representative of the:
 - (i) Technical and Vocational Education and Training Service not below the rank of a Director nominated by the Director-General of the Technical and Vocational Education and Training Service, in the case of a technical public university; or
 - (ii) Ghana Education Service not below the rank of a Director nominated by the Director-General of the Ghana Education Service, in the case of other public universities; and one representative of the Ghana Tertiary Education Commission, nominated by the Director-General of the Ghana Tertiary Education Commission and who shall be a non-voting member.

The above composition of twelve (12) council members is a departure from current compositions that has a representative of postgraduate students on the University Councils of all Public Universities. This representative has by convention been the representative of GRASAG. The

practice of having two student representatives is in the right sense, taking cognizance of the need to promote postgraduate research in our institutions of higher learning. It is important to recognize that the academic needs of postgraduate students are distinct from the needs of the undergraduates and therefore postgraduate students deserve representation on the University Council and all other Boards, which require student representation.

The research base of every university, which is mainly propelled by postgraduate studies, contributes to its credentials and ratings and as such should not be underestimated. It is thus reasonable and convenient to moot that the framers of the various individual university Acts would have given a clear distinction of postgraduate students if their studies were prevalent in the times that preceded its organized union formation. For a country, which is poised to become a regional leader in education and development, government must place emphasis on postgraduate education. The continuous representation of postgraduate students on the University Council is key in addressing the unique challenges facing postgraduate students in the various universities.

ii) **Section 5 (5):** this sub-section spells out that, *“The President may dissolve and reconstitute the Council in a case of emergency and appoint an interim Council to operate for a stated period.”*

We also find this provision problematic as it minimizes the independence of the council and gives room for discretion and possible abuses of presidential powers. This is because the council, aside from being dominated by representatives of government nominees, will be at the mercy of the government at any point in time. The non-definition of what constitutes an “emergency” also gives room for discretion as disturbances at a hall of residence, which ordinarily can be settled by the academic board or residential board, can be grounds for the dissolution of the highest decision making body. The non-definition of the “stated period” is also problematic as it can last for an unspecified period of time that may be injurious to the governance of the university.

iii) Section 12: Allowances

The visitation panel that conducted a study on the governance of University of Ghana recommendation were adopted by the University of Ghana and implementation started since 2009 under Prof Nii Tagoe. Since then, the University of Ghana do not pay allowances in whatever form to any one undertaking extra official duties including council. The University of Ghana is saving over 20 million Ghana cedis for this policy. We, GRASAG, is with the considered opinion that reverting such policy by Section 12 of the new bill is a slap on the face of “new public financial management” ethos which advocate for administrative efficiency including cost management. In light of the ballooning public sector bill introducing Section 12 will escalate the public sector cost. We recommend a complete withdrawal of the intent and purpose of Section 12.

iv) Section 39: Student Governance

This section spells out student governance by setting up the SRC. It states that:

- (1) A public university shall have a Students’ Representative Council.
- (2) The Students’ Representative Council is responsible for representing students duly admitted and registered to study at the public university.

This gives recognition to an existing body, which from prevailing circumstances, is dominated by undergraduate students. The mere mention of SRC brings to mind a body of undergraduate students with an undergraduate leadership.

It is worth noting that even the duration of postgraduate studies- two years for masters’ programmes and three years for PhD programmes- automatically excludes postgraduate students from the active participation in the governance of the SRC.

It is our argument that the grievances and issues pertaining to postgraduate students are fundamentally different and as such should not be lumped under one umbrella. That will be analogous to lumping issues of all university staff and senior members as one.

3. ARGUMENTS FOR ISSUES RAISED

The basis for the issues raised above are grounded in the following arguments that stem from current practices/experience, practices in other parts of the world and provisions in other parts of the Bill. These are espoused in the points as follows:

- i) **Current Practices/Experience:** The existing structure makes provision for two students representatives on university councils, with one each for postgraduate and undergraduate students. This arrangement is in appropriate since students are the primary stakeholders of the university and is usually quipped in the words, “without students there is no university.” This arrangement gives students stronger voice in the governance of public universities and has over the years contributed to progress, unity, stability and continued operations of public universities in Ghana. The arrangement also ensures that students are proportionately represented as undergraduate and postgraduate students have varied needs and concerns that when addressed culminates into the overall progress of the university. It is worthy to note once again that addressing the needs of postgraduate students contributes immensely to the ratings and rankings of public universities than undergraduate studies. This makes postgraduate studies the backbone of every university around the world.

The current University Councils, vested with the powers to independently steer the affairs of public universities, is also one that empowers them to diligently and freely carry out their mandates in the running of these institutions of higher learning. Any provision that tends to take away this power should be discouraged.

- ii) **Practices in other parts of the world:** Practices in other jurisdictions and institutions that are deemed best due to their success should be looked up to in establishing policies and legal arrangements. In the United Kingdom, Oxford University has a Students Union that is made up of Junior Common Rooms and Graduate Common Rooms that represent the interest of the two main categories of students. Cambridge University has an Undergraduate Council and a Graduate Council for student governance. This brings to bare that a statutory arrangement that establishes an SRC

must identify the two main categories of students that make up the students' union. The University of York has on its council, a representative of the Student Union and a Representative of the Graduate Students Association. In Kenya, Kenyatta University has two student representatives on the university council, representing student organizations. This shows that student governance should be identified as having undergraduate students and postgraduate students and having due representation on governing councils.

- iii) **Provisions in other parts of the Bill:** Our arguments are also backed by other provisions in the Bill as laid in parliament. **Section 5 (2)** of the Bill states that, “The President shall, in making the nominations, under paragraphs (a) and (c) of subsection (1), have regard to the academic qualifications, leadership qualities, gender, expertise in finance, management, knowledge and relevant experience in the area and specialization of the public university. This provision gives backing to having a student representative who possesses these qualities and qualifications since graduate students are persons who have obtained degrees in various fields and in addition may have leadership experience. Again in **Section 42** of the Bill, issues relating to Intellectual Property are spelt out as, “
- (1) The intellectual property right in a creative work, research or other intellectual enterprise, funded or otherwise undertaken with resources of the public university shall vest in the public university.
- (2) The Council shall enact Statutes in accordance with the laws on intellectual property to govern the creation, ownership and use of intellectual property including copyright, patents, trademarks, tradenames and industrial designs by employees of the public university.”

It is trite knowledge that the intellectual properties of institutions of higher learning stem from the research output of postgraduate students that are usually funded by the university. Hence, it is prudent that representation on council includes a representative of constituents who stand to be affected by such provisions.

RECOMMENDATIONS

The following recommendations are proposed, from the preceding issues and arguments, for the kind consideration on your committee:

- i) The composition of the governing council of public universities be varied to include a representative of postgraduate students. This will bring the total number of members with voting rights to 13 and 1 without voting right. This recommendation falls in line with the Tertiary Education Policy of having not less than nine (9) and not more than thirteen (13) members of council and at least two thirds being external members. It is worth noting that a non-voting member has the same status as a member in attendance.
- ii) The President of the Republic must only have the power to **SUSPEND** the council in times of emergency while an interim takes over for a stipulated period (e.g. a maximum of three (3) months). More so, a committee of inquiry must be tasked within that stipulated period, to investigate the causes that led to the emergency. Their report undoubtedly shall inform the president as to reinstate the **SUSPENDED** council or **DISSOLVE** it.
We also argue that “in times of emergency” must be removed from the Bill or alternatively, the emergency must be explicitly defined and a stated period for the interim council to operate.
- iii) We further argue that, the Bill must recognize students’ governance as having a composition of Undergraduate Students’ Union and Graduate Students’ Union. This is to give statutory backing to the organization of graduate students in student and university governance.

CONCLUSION

GRASAG believes that the above propositions will provide great insights in the consideration of the Public University Bill, 2020 before it is passed into law. Our recommendations are made with the spirit of making public universities relevant to modern discourse in teaching, learning and research. We duly submit for your perusal and kind consideration.