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CHALLENGES OF IMPLEMENTING CONTRACT POLICIES FOR UNIVERSITY ACADEMICS IN MALAWI: A CASE OF MZUZU UNIVERSITY

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ABSTRACT

Utilising critical theory, we explored the causes of the conflict that arose between academic staff on fixed-term renewable contracts and university administrators at Mzuzu University in Malawi in order to draw lessons. We collected data using semi-structured, in-depth interviews and document analysis. Ten university employees were purposively selected for interviews. The results showed that the causes of the conflict were, in the view of the respondents a mixture of: 1) a mutually antagonistic relationship between academics and university administrators; 2) less-than-effective administration of contracts by the
university leadership; 3) dispute with respect to the university council’s views over the age of staff on contract; and 4) the university leadership’s negative response to a group of academics who criticised the administration. We argue that these results suggest leadership skills were less-than-satisfactory on the part of university senior management. We offer suggestions that could improve such leadership skills.

**Keywords:** academic staff; conflict; critical theory; fixed-term renewable contract; university administrators; university leadership

**BACKGROUND**

This article reports on a qualitative study that explored the causes of the conflict that arose between academic staff on fixed-term renewable contracts and university administrators at Mzuzu University in Malawi, and draws lessons from it.

Mzuzu University was established in 1997 and admitted its first intake in 1999 (Shawa 2014, 1176). The first university in the country, the University of Malawi, was established in 1965 (Shawa 2014, 1176), while the third, the Malawi University of Science and Technology opened its doors in 2014. A few private universities started operating in 2003, creating unprecedented demand for university academics and administrators.

Given the time that passed between the establishment of public universities, it is clear that for a long time the country relied solely on the University of Malawi to train university academics and administrators. Access to higher education was restricted (Bloom, Canning and Chan 2006, 4), hindering the production of professionals with university qualifications to manage various institutions, including teaching at universities. The lack of qualified university teaching personnel explains the employment of retired academics on fixed-term contracts at Mzuzu University.

Given a paucity of qualified academic personnel, from its inception Mzuzu University employed retired academics, most of whom were above the age of 60. A few of these academics joined the university on secondment from other government institutions. They were employed on fixed-term, renewable contracts. Although the university has developed young academics over time, there is still an urgent need for well-trained academics within the institution, which has implications for how the university handles staff on fixed-term renewable contracts. Our survey suggests that contested administration of their contracts has resulted in deep dissatisfaction and distrust between this academic cohort and the university administrators (the office of the registrar and senior management). In the midst of this conflict, the academics concerned formed a body attached to the university staff union that lobbied for procedural application of their contract terms and held several meetings with the university leadership.
This article comprises seven sections. The first conceptualises the concept of contract work. In the second section we briefly explain critical theory as a theoretical lens. The third section discusses the research procedure, while the fourth section presents the data analysis. The fifth section presents results and discussion. We present our recommendations in section six, followed by the conclusion in section seven.

THE CONCEPT OF CONTRACT WORK

While the concept of contract work is understood differently in the literature, contracts are generally either fixed or indefinite (Timothy 2006, 5-9). Fixed-term contracts serve different purposes such as filling in for absent staff (Vettori 2008, 372), while indefinite contracts are permanent in nature (Timothy 2006, 8). Timothy (2006) posits that in a fixed-term contract, the agreement between the employer and an employee hinges on the labour potential of the employee, his/her remuneration and the agreed upon contract period. Renewal or termination of contracts generally depends on the conditions laid down and accepted between the employer and employee (Lufungulo 2012, 24). In South Africa, for example, ‘an employer’s failure to renew a fixed-term contract on the same or similar terms in circumstances where the employee has a reasonable expectation that the contract should be so renewed, constitutes a dismissal’ (Vettori 2008, 373).

Globally, the number of contract employees in higher education is rising (Schibik and Harrington 2004, 394). Indeed, Jooste and Essa (2013, 862) contend that the global increase in the hiring of contract academics is higher than new tenured or permanent staff and universities thus have to pay special attention to the implications of this trend.

At Mzuzu University fixed-term renewable contracts for academics are for a period of not less than two years and no more than four. Clear procedures for the renewal of contracts are stipulated in section B.29 of the Regulations, terms and conditions of service for academic and administrative staff (conditions of service) (Mzuzu University 2010). The specific contract period for individual employees is stipulated in their respective employment letters. However, contestations and ambivalences over the administration of the contracts at Mzuzu University have resulted in a serious conflict between staff on fixed-term renewable contracts and university administrators, as reported by respondents.

CRITICAL THEORY AS A THEORETICAL LENS

Critical theory as a conceptual and analytical field has become increasingly popular in organisational or institutional studies (Carr 2000, 209-220; Yee, Ying and Khin 2014, 19-25). In this article, we are not interested in explaining the variants of
critical theory; rather, we understand it broadly as a theory that allows researchers to expose anti-democratic social practices so as to transform societies (Habermas 1984). In applying our understanding of critical theory to the running of universities, we draw on the ideas of Horkheimer as cited in Bohman (1996); Habermas, as cited in Waghid (2003) and Kincheloe and McLaren (2008, 406).

Horkheimer (cited in Bohman 1996) argued that critical theory is adequate (for social change) only if it meets three criteria:

…it must be explanatory, practical, and normative, all at the same time. That is, it must explain what is wrong with current social reality, identify actors to change it, and provide both clear norms for criticism and practical goals for the future. (Bohman 1996, 190)

The framework helped us to explain the causes of the conflict between academics on contract and administrators in order to provide suggestions for change. Our understanding was further guided by Habermas as summarised by Waghid (2003), who posits that in the Habermasian sense, critical theory amounts to:

…using and creating conditions for self reflexive critique, replacing distorted education policies, discouraging indoctrination and domination, freeing educational institutions from bureaucratic interests, re-theorizing the roles of ego-centric members, producing and reproducing more rational and informed educational policy rules and offering guidance and new knowledge in education policy formulation. (Waghid 2003, 52)

Such a thick description provided us with a lens through which to engage with the nature of university governance and policy implementation at Mzuzu University generally. We also drew on Kincheloe and McLaren (2008) who articulate critical theory as follows:

Critical research can be understood in the context of the empowerment of individuals. Inquiry that aspires to the name of critical must be connected to an attempt to confront the injustice of a particular society or sphere within the society. Research thus becomes a transformative endeavour unembarrassed by the label political and unafraid to consummate a relationship with an emancipatory consciousness. (Kincheloe and McLaren 2008, 406)

Drawing on these ideas assisted us in confronting injustices in the study and suggesting ways of lessening them as stipulated in our recommendations.

THE RESEARCH PROCEDURE

The research procedure generally explains the design of the research and the implementation thereof, the sample, methods of data collection, and approaches to analysis and the way it is related to the theoretical lens (Sarantakos 2005).
Research questions

We posited two major questions: 1) What were the causes of the conflict between academics on fixed-term contracts and administrators at Mzuzu University? and 2) What lessons could be drawn from the conflict? These questions gave rise to a series of sub-questions that followed from the themes and probes during interviews.

Sample size and sampling techniques

We purposively targeted 10 university employees for in-depth, semi-structured interviews. Purposive sampling allowed us to select respondents with knowledge of the research topic (Tongco 2007, 147). Our sample was as follows: three university administrators, the chairperson of the academic staff union, four academics on contract and two deans of faculties. Respondents were selected because of their involvement in meetings and negotiations and had thorough knowledge and experience of the conflict.

Data collection methods

Data collection methods are ‘techniques for gathering evidence’ (Harding 1987, 2). We gathered evidence using two methods: in-depth, semi-structured interviews and document analyses. In this way we achieved a level of triangulation (Mitchell 1986) through testing participants’ accounts and understanding against the policies and records of meetings.

Interviews

We chose in-depth, semi-structured interviews to allow for detailed exploration of the topic (Bloom-DiCicco and Crabtree 2006, 315). The use of interviews allowed us to probe and ask follow-up questions and to reduce the problem of ambiguous questions. Prior to conducting interviews we provided respondents with the themes that the interviews were to cover, so as to prepare them for the interviews. The interviews were tape-recorded using a dictaphone (an electronic recorder) and lasted between 45 and 80 minutes.

Document analysis

Document analysis entails the study of documents relevant to the research topic (Mogalakwe 2006, 222-223), which in our research meant examining three kinds of documents: the university regulations related to contracts; memos on the conflict exchanged between the two groups; and the minutes of meetings held by academics on contract and those between the two groups. The documents assisted us to better
understand the participants’ perceptions of the conflict and provided a way to triangulate our data collection.

**Ethical considerations**

Since our research involved people in their regular working environment, ethical considerations were taken into account (Orb, Eisenhauer and Wynaden 2000, 93). Furthermore, since the study was sensitive, we had to adhere to ethical standards to ensure that the respondents were not harmed during and after the research (King and Horrocks 2010). Thus, prior to conducting the research, we sought ethical approval from Mzuzu University. We also sought informed consent from respondents after making sure that all were provided with comprehensive information on the nature of the research. We assured participants that their participation was voluntary and that they were free to withdraw at any time. All participants provided informed consent in writing.

The research was guided by the principle of anonymity. Respondents’ names were not mentioned in transcripts, although their positions were and are included in this article. The implication is that although individuals are not named, the fact that their positions are mentioned, in some cases means that opinions could be attributed to role players. This was made clear to all the participants in the written consent and was discussed before they voluntarily participated in the study. To maintain confidentiality we transcribed the interviews ourselves and kept them in a safe, lockable facility. Respondents were offered the opportunity to check transcripts or excerpts if they wished to do so.

Given the sensitivity of the topic, we undertook to provide participants with a summary of the main findings and an article, should the work be published. We also agreed to present the findings to staff and university management.

**Data Analysis**

While keeping to our critical theory lens, we organised data for analysis through the framework for qualitative data analysis developed by Miles and Huberman (1994, 4). We transcribed the recorded interviews, and edited and coded them for emerging themes. Similar data were grouped into sets and memos were produced that captured emerging meaning patterns. Eventually, the themes showed a pattern of meaning that the data represented; this assisted us to find and draw lessons from the conflict between academics on fixed-term contracts and administrators.

Furthermore, we grouped the data from the aforementioned documents into themes and a similar pattern of meaning as the interview data emerged.
RESULTS AND DISCUSSION

In the views of the respondents, the results showed that the major cause of the conflict was the less-than-satisfactory leadership skills on the part of senior management. This gave rise to a mutually antagonistic relationship between academics on contract and university administrators and less-than-effective administration of contracts by the university leadership. We examine these issues in more detail below.

Relationships between academics on fixed-term renewable contracts and university administrators

While our aim was to explore the causes of the conflict between academics on contract and university administrators, we felt that it was important to gauge the work environment in which the academics on contract were located. The work environment shapes the way actors behave within an organisation (Shawa and Osman 2014, 59-60). Thus we first sought to determine how the research participants viewed the work environment at the university. This was important because from a critical theory perspective, it is important to understand the (hidden) causes of problems before attempting to contribute to social change.

Both administrators and academics acknowledged some challenges within the workplace environment and cited the following issues: continued mutual strife between academics on fixed-term contracts and administrators; university policy challenges; communication challenges and administrators’ perceived lack of transparency in using university resources. One academic on a fixed-term contract argued as follows:

Starting from inception, we had a feeling that the administrators think that as academics we are not useful members of the institution. They never cared about our presence. However, they did care about administrative staff…

From the start, academics on fixed-term contracts did not feel that administrators valued them. A university administrator concurred that there were such problems at the workplace but attributed the problems to systemic challenge.

Without a well-developed department of human resources and a lack of stability in management there is no clear direction in tackling problems such as those presented by contract staff…

Furthermore, some staff attributed the problems to the lack of a proper policy landscape to address issues. One administrator observed:

Some issues need attention and sometimes the attention is not given. Since policy issues and guidelines are not really translated into university documents, it becomes really difficult to interpret situations.
Another administrator pointed out that:

As a growing institution, we need policies that are clear such that if I am employed today, I should know how I shall exit from the institution…

The lack of robust institutional policy in universities in Malawi challenges the running of these universities (University of Malawi 2004). Given the issue at hand at Mzuzu University, a less-developed policy landscape means that there is constant contestation on matters relating to staff and administrators generally. Another administrator argued:

For instance, when it comes to policy on contract staff, the productivity and the appraisal system is not working; so we have a lot of deficiencies. In most institutions where there are very productive professors age is not an issue. We need very clear guidelines, objectives …

Some academics bemoaned less-than-effective communication between academics and administrators generally as contributing to challenges of work environment. An academic on a fixed-term contract stated:

Several times, we have told administrators that communication is lacking at this university. In some cases if you write to the administration they will not respond to the correspondence. This I have never understood. In the end, we become very resentful…

Communication helps leadership to know what is happening in the system. Meetings between the university leadership and departmental heads are part of such communication. One administrator lamented:

I think the major problem is decisions are made without ample discussion. For example, between July and today, management has met twice over six to seven months and only to tackle something that is burning…

In such an environment, leadership would not be able to act proactively in situations that could negatively affect the work environment.

Finally, administrators’ perceived lack of transparency in using university resources affects the work environment. One administrator claimed:

Within the university system there is inherent tension between academics and administrators as academics would like to have control over the resources but in most cases the administration is not open on these issues. Academics would like to control the resources knowing that they do core issues but you find that in most cases the administration is not very open in these issues…

Such lack of transparency frustrates academics that confront severe resource challenges in their core business of teaching and research. Some lecturers bemoaned the less-than-effective support by the leadership in providing teaching and learning resources.
The picture painted thus far shows challenges within the work environment that could largely be attributed to less-than-satisfactory leadership skills on the part of senior management. In the following section, we discuss problems in administering contracts.

Problems in administering contracts

After understanding the nature of the work environment, we asked the respondents to share their views on the conflict between academics on fixed-term contracts and administrators. Our analysis showed that the university leadership failed to administer contracts as stipulated in the conditions of service. According to item B.29 of the conditions of service, renewal and extension of contracts (Mzuzu University 2010), the following are the stipulated procedures for renewing a contract:

- The staff member shall make his/her intentions known by completing a renewal/extension of contracts form four months before the expiry of the original contract.
- The staff member shall submit his/her application through the head of department/section.
- Not less than three months prior to the elapse of the existing contract, the position shall be advertised and the incumbent shall be eligible to apply.
- Assessment shall be carried out two months before the expiry of the staff contract.
- Based on the assessment results, the university may renew or decline to renew the contract.

While in most cases academics on contract made known their intention to renew the contract, there were delays in the renewal of contracts. One academic on a fixed-term contract bemoaned:

I am working with no signed contract for years. I just work. This is sheer inefficiency. Administrators are not doing their job. My contract is not renewed and the documentation is not in the system …

Another complained:

When my contract expired, it took me eight months before I was paid. I was paid only after beginning to ask them to pay me. No interest was given; this kind of thing is still going on today. I don’t think that administrators have regarded academics on contract as useful members of the community …

Memos and minutes of meetings of the two groups clearly show that contracts were not administered as stipulated in the conditions of service. In line with the above sentiment, while contract staff reiterated the need for the university leadership to
follow the stipulated procedures, the memos and minutes generally show that most academics on contracts worked without clarifying the status of their contracts. We argue that the less-than-effective administration of contracts caused anxiety and confusion among contract staff.

Two other aspects that perhaps fuelled the conflict were the Mzuzu University Council’s views over the age of staff on contract and the letter written to the chancellor (state president) by some academics.

It seems that during council meetings, council members began to question the age of staff on fixed-term contracts, which is well captured in the words of one administrator:

Although the university started with retired staff that came in on contract, by and by council members began to question management as to why this university was having people of over 65 years against the retirement age of 60 …

It appears that there was pressure on university leadership to revisit the issue of age. As we explain later, this revealed further systemic challenges. As one administrator observed, in triggering the conflict, the age debate is also connected to a letter written by academics:

Perhaps what triggered the conflict mostly was the personal conflict between the then vice chancellor and some of the senior academic staff on contract. The academics published a letter questioning the way the university was being run …

A staff member on a fixed-term contract echoed these sentiments:

There was a petition sent to the chancellor against the running of the university, which most contract staff signed. This was not perceived favourably by the university leadership …

In this petition, which was directed to the chancellor (the state president) and copied to the university registrar; the chairperson of the university council; the vice chancellor’s office and the principal secretary of the Ministry of Education, Science and Technology, the issues raised by academics hinged on financial transparency, lack of support for teaching and learning and the general lack of decisive decision-making on matters affecting the university by leadership. The university leadership summoned the authors of the letter to a special disciplinary committee that eventually issued them with a warning. However, the academic community stood by their colleagues, making it possible for those concerned to reject the warning. We now shed more light on how the age issue and the letter sparked the conflict.
Events following the council’s reflection on the age of academics on fixed-term contracts and the academics’ 2009 letter to the chancellor

Interesting developments followed the council’s contested reflection on age and the staff petition. A new way of dealing with staff on fixed-term contracts came into being. An academic member on a fixed-term contract vividly reported:

The then vice chancellor introduced conditions of service that were meant for principal officers (senior management) to academics on contracts whose conditions of service were different …

An administrator concurred:

I should also mention that the new conditions were introduced by the then vice chancellor who wanted all academic staff on contract to use new conditions of administering contracts other than the ones they were contracted on …

The interpretation of some respondents seemed to be that following the council’s observations on age and the academics’ letter, there were attempts to get rid of academics on fixed-term contracts. The introduction of a new contract document (contrary to the prevailing contract terms) meant that the conditions of service for academics on fixed-term contracts were revoked by the leadership. More so, changes to the administration of contracts meant that many other issues were reconsidered.

Changes that came with the new ‘contract’

The first change was that the new document asked some academics to accept monthly contracts while others were asked to accept terminal contracts. This went against item B.6 of the conditions of work, which stipulates that a contract appointment shall be for a fixed period of not less than two years. This was interpreted by academics on fixed-term contracts as an attempt to get rid of them. As one administrator observed, ‘the senior academic on a fixed-term contract whose signature was the first on the letter to the chancellor was the first to be put on month to month contract’. We contend that the introduction of a new document was erroneous as the nature of contracts entails that what is stipulated and agreed upon between the two parties is binding (Lufungulo 2012, 10-11).

Second, academics on fixed-term contracts were now not eligible for allowance and salary increases, in violation of section B.11 of the conditions of service (Mzuzu University 2010).

Third, academics on fixed-term contracts were now judged on their age and would not qualify to continue teaching after turning 65. While age is mentioned in the conditions of service, it applies to tenured academics, not those on fixed-term contracts. Section B25.6 of the conditions of service states ‘…the staff member shall
have security of tenure up to the normal retirement age of sixty (60) years’. For tenured staff, this means that after reaching the age of 60, they could then be allowed to work on a five-year contract until they turn 65.

Responding to a question on his take of the conflict, an administrator summarised:

I think as management we were not prepared. We need to have clear rules of how to treat that category of staff. We cited the retirement age, but I am not sure we have that age limit on staff on fixed-term contract… It is not just a matter of waking up one morning and you say we have decided you are over aged.

Fourth, mechanisms to administer contracts set out in section B.29 of the conditions of service and explained earlier, were altered. We posit that the changes reflect less-than-satisfactory leadership skills on the part of university senior management.

The transition period (July 2010–March 2013)

Between July 2010 and March 2013, Mzuzu University was under acting leadership as the vice chancellor and the registrar were incapacitated by ill health. This meant that the problems relating to academics on fixed-term contracts that were created earlier had to be dealt with by an acting vice chancellor and an acting university registrar.

At the time of field research in 2013, the situation had not changed. People in acting positions did not feel sufficiently powerful to make decisions and this perpetuated the situation of the staff on fixed-term contracts. In March 2013, the university appointed a new vice chancellor who inherited the problem; this period is beyond the scope of this study. We now turn to recommendations that draw on our theoretical lens.

RESEARCH RECOMMENDATIONS

As noted earlier, our critical theory lens hinges on exposing anti-democratic social practices so as to contribute to social change. We are thus against any form of domination. We frame our recommendations within these general parameters. These recommendations are based on the major findings that show less-than-satisfactory leadership skills on the part of university senior management.

A more transparent way of selecting vice chancellors

Since the major problem hinges on leadership, we suggest the need for a more robust selection process for the post of vice chancellor. This could assist in selecting leaders with satisfactory leadership skills. In South Africa, universities have a more transparent selection process as enshrined in their policy documents (see University of KwaZulu-Natal 2004; University of the Witwatersrand 2012).
At Mzuzu University, selection of the vice chancellor is based on interviews by the university council. The council recommends three candidates to the state president who then makes the appointment. We argue that making the state president chancellor of public universities, and bestowing him/her with powers to appoint university vice chancellors, interferes with transparent selection and ought to be abolished (see Shawa 2014, 1179).

We suggest that the selection could involve a more transparent procedure in which candidates make public presentations to staff and students. Among other issues, they could outline how they plan to run the university. Staff and students could then engage the candidates deliberatively and make comments to the selection panel, as is done at South African universities. After public debate, the candidates would then be interviewed by the university council that would include staff and student union leaders on the selection panel. Candidates need not be appointed by the president; rather, the university council should be fully mandated to do so. A transparent deliberative system of selecting vice chancellors would help to build a culture of accountability and transparency among university leaders.

Proper staff orientation

Staff orientation has ground to a halt over time, with serious consequences, as staff members do not know what the university expects of them. For those who assume leadership roles, orientation is important in making them aware of the challenges confronting the institution and giving them an opportunity to think about how they would use their leadership roles to solve some of the problems. This is also the time that new leaders would meet with academic staff and students and establish a working relationship. Apart from once-off orientation, there is a need for continuous short-term training on leadership for university leaders.

Strengthen the human resource section

The human resource function is extremely important in solving problems such as administering contracts. Currently, the human resource section is subsumed within the office of the registrar without a clear mandate to execute its activities. A well-organised human resource department could organise staff recruitment, orientation, promotion, contracts and related issues. An organised human resource section could have swiftly dealt with the administration of contracts.

Policy communication

Policies such as conditions of service should be made available to all staff members before they take up employment. At the time of our research most respondents
revealed a lack of understanding or awareness of the conditions of service, as these had not been given to them.

A proper appraisal system

An overall appraisal system that enables heads of department to appraise their staff should be put in place to ensure transparent staff assessment. Currently, there is no such system in place. All in all we argue that improving leadership at Mzuzu University could improve the running of the university in many ways.

CONCLUSION

This article explored the causes of the conflict between academic staff on contract and university administrators at Mzuzu University in Malawi. We argued that less-than-satisfactory leadership skills on the part of university senior management resulted in less-than-effective administration of contracts by the university leadership. We recommend the following: (1) more transparent selection of vice chancellors as is done in some South African universities; (2) the need for proper staff orientation; strengthening the human resource section; proper communication of policy; and (3) a clear appraisal system for academic staff.

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