Good Governance for Quality Service Delivery: National University of Lesotho (NUL) Under a Microscope and Challenges therefrom

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Abstract

The purpose of this paper is to highlight occurrences of poor governance practices at the National University of Lesotho and to propose the way forward for the Institution in order to get itself out of the present quagmire. Qualitative data collection approaches have been used to get information for this study. These have included in-depth interviews with purposively selected key informants among university, staff "exit interviews" with some staff members who had recently resigned from the service of the University; content analysis of both local print and electronic media sources; the review of the relevant internal NUL documents such as policies and reports and general observations by the author during participation in deliberations over important issues at various significant policy making University committees such as Council and Senate. The major finding of this study has confirmed that the bulk of the critical operations of the Institution have not been guided by the existing policies and legal frameworks. Consequently, the various academic and related administrative service deliveries were adversely affected as earlier suspected. NUL must therefore make a deliberate effort to conduct business within the confines of the law; provide proper phased induction programmes particularly for academic and relevant administrative staff for them to understand how the university system operates and help them positively see their professional role in the whole scheme of things.

Introduction

The National University of Lesotho (NUL) one of the only two Universities in the country is the main provider of the highest level of higher education aimed at satisfying the country's human resource requirements. During the first decade of Lesotho's independence the University continued to maintain the tri-national character that it had assumed from the early 1960s as the University of Basutoland, Bechuanaland Protectorate and Swaziland (UBBS) later known as the University of Botswana, Lesotho and Swaziland (UBLS) when the three sister countries attained independence in the mid-1960s. From mid-1975 the University, then as NUL became a constituent part of Lesotho's higher education sub-sector which policy broadly defines to include both university and tertiary level education (Ministry of Education and Training Strategic Plan 2005-2015).

Over the years the University has "modestly" grown in some respects with regard to areas/issues such as the number of academic programmes available, the number and quality of academic staff employed, the range of clientele receiving services, student population in both full-time and part-time programmes and infrastructural development. It is submitted that the contextual historical, socio-cultural, religious, political and economic factors have had a very significant impact on the quality of programmes and delivery of services by the institution. For instance, the higher education sub-sector in general has had to operate for years without the necessary legal framework. The enactment of the Higher Education Act 2004 has not been of much help because it unfortunately does not yet have a requisite policy developed and operationalised for it to enhance the performance of the sub-sector. So, this has been a major handicap for the growth and positive response to challenges by the university. Needless to mention, that, NUL

was the only higher education institution in Lesotho that declined to have the Higher Education Act 2004 disseminated to her professional community, hence, the almost total ignorance of the provisions of this Act by majority of NUL staff and students. Other institutions benefited from the Ministry of Education and Training (MOET) effort during 2004.

The purpose of this article is to show how management of NUL at all levels has been threatened by persistent deviations from good governance practices thereby adversely affecting good service delivery. The data that informed this article has been collected using various qualitative techniques such as in-depth interviews with purposively selected key informants; content analysis of both local print and electronic media coverage of developments within the University; review of the relevant NUL policy and legal documents; general observations by the author during her participation in deliberations over important issues at various significant University committees such as Council and Senate and the author's own personal experiences as a lecturer and actual performance of various administrative and managerial functions within the faculty and central administration of the University during her service spanning well over 30 years. Qualitative data analysis method was used by essentially collapsing the data "thematically" to cover and answer issues relating to critical service delivery areas, such as student recruitment admission and registration, teaching, administration of academic operations, staff recruitment and development and the overall conduct of decision making processes by top administration and other strategic University committees and units. The article has also ventured to propose some options available to help rectifying the situation.

A Brief Overview of Governance

It is acknowledged that there already exists a lot of literature on the subject of good governance as the concept has had evolving history overtime with the main focus being on political contexts, governments and the public service. Thus Matlosa et al (2008) talk of Africa's record of governance and development since independence four decades ago as being a mixed bag because in their opinion few countries would boast a clean record of democratic governance and socio-economic growth. Some of these perspectives have come to somehow influence how institutions of higher education in particular conduct business. Therefore, for purposes of this paper the concept is considered strictly within the context of higher education institutions. As correctly pointed out by Ntimo-Makara (2007:179) educational institutions have very specific settings.

They are social institutions of particular subtlety and sensitivity whose major objective is to educate. Education itself is a process which does not occur in a vacuum. It occurs within a context which is greatly influenced and determined by socio-cultural, political, economic and religious factors. It is this context that determines and shapes the institutions history, experiences, traditions and language which are all shared by its members and bind them together.

Commenting on special characteristics of educational institutions, Bush (1986) highlights the following as some of the features namely that the objectives of educational institutions are much more difficult to define than purposes of commercial organizations from which most of the management theories and influence originate; they are also expected to develop personal capacity of clients that cannot just be processed, programmed or manipulated like any other raw materials and there is always a fragmented organizational and management structure both

within and impinging upon educational institution. Van der Westhuizen (2002:288) commenting on issues of educational administration and management particularly as it relates to governance within higher education institutions as organizations describes them as systems that comprise a network of interdependent and synergistic function components which taken together can attain clearly stated goals (institutional). He further argues that the system makes its boundaries explicit by defining which people, functions, components and aims are included and which are not. The components must serve the total system not the individual components themselves. Thus for managers effective communication and a common understanding about roles and responsibilities are key to optimising the system. The concept of governance in this context would refer to the internal structure, organization and management of the institutions concerned. In other words university governance would specifically refer to the way universities operate.

The organization of internal governance of NUL is not different from the generally accepted standard arrangement in like institutions such as those in majority of the Southern African Development Community (SADC) countries. Herein internal governance normally is composed of governing Councils/Boards; the Chief Executive Officer or Vice-Chancellor and his/her team of senior administrative staff. There would also be the university senate, deans of faculties and directors of institutes and other units; heads of academic departments and staff. It is also important to recognize the existence of organized student representation via the Student Representative Council (SRC) which is duly entrenched in the laws that govern a higher education institution.

Teferra and Altbach (2003) account of what obtains in various institutions across Africa sums up a picture of institutions that have shared collegial governance and which are also loosely organized by more or less similar structures and based on comparable models. This not withstanding it could still be argued that higher education governance structures are still highly differentiated throughout the world. This has to naturally be expected given that education does not exist in a vacuum. It operates within a context that is defined by socio-cultural, economic, political and religious factors. Discussing change resistant governance structures and rigid management practices, the World Bank (2002:63) observes that in many tertiary systems, when there is change in leadership the entire management team is replaced, sacrificing institutional continuity.

The organization of internal governance of NUL is therefore, not much different from the generally accepted standard arrangement. The details in this regard are further spelt out in the University Statutes and Ordinances (NUL Calendar 2006/2007 pp.421-448). Student governance is another critical component. The NUL Student Union was duly established in 1976 under the NUL Order. It has survived to date.

Good governance is critical for the National University of Lesotho's (NUL) capability to deliver quality services in core areas of teaching and research, enhanced facilitation of learning by students, examinations and their processing. The principle becomes equally important for the entire administration and management of academic processes by official structures that have been put in place. A disturbing trend has, however, been developing at NUL over the past decade whereby the Institution has gradually been drifting away from good

governance practices characterised by the rule of law, transparency and accountability. The problem is more serious today than it has ever been. Obviously, this is bound to adversely affect delivery of services.

This democratic way of doing things whereby there was consultative decision-making by legally sanctioned committees had characterized NUL predecessors PIUS XII, UBBS and UBLS. The committee system continues to be provided for and regulated by the current NUL Order # 19 of 1992 as amended. It is the policies and legal frameworks such as this that have made the Institution tick and stay alive for so long. These have been reinforced by the enactment of the Lesotho Higher Education Act 2004 which among other things gives recognition and lends support to the existing institutional statutes, policies and regulations that facilitate for good governance and service delivery. It is the overall national enabling legal framework. Within the Institution, University calendars have helped publicize the provisions in the statutes and ordinances. Thus, the legal frameworks remain intact and have not been replaced or further amended. It is therefore, submitted that the University administration at various levels should observe and be guided by these instruments. It is, further argued that should the existing policies and legal frameworks be found wanting, then appropriate steps should be taken to initiate a process of review that will result into their replacement. Therefore, failure to observe the existing legal instruments and frameworks renders good governance at NUL a mere wishful thinking. Ntimo-Makara (2003) cited brain drain and spate of resignations by disgruntled young teaching staff as one of the then results of governance challenges facing NUL. Ntimo-Makara (2005:18) further makes a reminder of the previous efforts to put NUL back on track. From the early 1980s well into 2000 studies such as the World Bank (1984); Sims et al (1989); the Fielden et

al(1994) and National University of Lesotho (2002) have all highlighted the structural crisis hindering the efficient and effective discharge of the University's mission (NUL Strategic Plan 2002/2007:1). Issues such as deficient managerial and organizational system had made it difficult for the Institution to respond effectively and timeously to imperatives of change.

The fact that in the past twelve years since 1997 NUL has had five Vice-Chancellors (three substantive and two acting Vice-Chancellors) does not augur well for the institution and indeed, the nation.

The Current Governance Scenario at NUL
The current governance scenario at NUL going by the experience on the ground and the continuously disturbing print and electronic media coverage about all that is going wrong (Public Eye; Moeletsi oa Basotho) is reminiscent of the one which marked a few past years, during which there was an attempt at transformation (2000-2004). In her article entitled "YES GENERAL! NUL TRANSFORMATION AT THE CROSS ROADS!! Fanana (2004 Unpublished) lamenting the desperate governance situation in which the Institution found itself wrote that "for instance, at the embryonic stage of the transformation the declarations (by Management) did not sow a conducive climate to help smooth the process. Instead, on one hand, they partly alienated management from students; and on the other, management from staff. In the ultimate we have reaped diverse and mostly impalatable consequences."

The tendency by both NUL Management and heads of its supporting structures within faculties and institutes to do things outside the provisions of the law had been growing since 1997. This fact is well documented by Ntimo-Makara (2007:182) in the highlight of examples of critical management hiccups that NUL

had experienced since. The situation has not become any better under the incumbent leadership. Things have instead gotten worse as depicted below.

As further indication of deteriorating governance situation within NUL the Vice Chancellor in October 2008 dared pronounce that he was going to conduct the meeting of the congregation like a "village meeting" implying no form of formality. However, this position was in conflict with the spirit of the provisions of Statutes 32, 33 and 34 (NUL Calendar 2006/07: 434-435) which respectively specify powers and duties of the Congregation; its membership and the nature of meetings i.e. a yearly ordinary meeting, a special meeting that might be held at the request of the membership and issues of quorum at the meetings. All of these suggest some degree of formality. In that same end of October 2008 "village meeting" a respected lecturer who had recently joined NUL remarked, that since his arrival here he had observed an emerging "Banana Syndrome". Fortunately the good lecturer Mutabihirwa kindly obliged through his email of November, 05 2008 to everyone@nul.ls by giving a clear definition of "Banana Syndrome" concept as "social-psycho phenomenon" which lead to individuals in an organization or community set-up, leading to those individuals to "do anything anytime anywhere anyhow etc. The organization becomes a "banana organization only when all its operational structures suffer from the syndrome." What was significant and relevant for this presentation was the lecturer's further clarification that the banana syndrome is building up in NUL in the sense that individuals are disregarding the statutes/ordinances/directives of Council and the associated regulations and making decisions and/or operating on how they see and feel it fit.

What is even more significant is his acknowledgement that despite NUL's poor financial status – the Institution has in the past been known to be above board in terms of running its business in accordance with the instituted policies and other frameworks.

In his inauguration speech, Ogunrinade (2007:4) stated among other things that he had a dream

> Of a University which is able to transform its landscape through new governance and management structures – emphasizing efficiency, improved performance and productivity... of a new institutional leadership and management for NUL able to unfreeze the organization, manage tension between staff and staff, staff and management...

One wonders whether given the current governance situation within NUL the above has not really remained what it initially was – "a dream". Selinyane (2008:20) in his article *the man who would be King* gives a lot more away. From the content analysis of this interview with the Vice Chancellor one deduces the underlying condition of tension, uncertainty, general mistrust and anger. All these were never to set a positive tone and environment for good governance within NUL.

Some Anomalies Indicative of the Deteriorating Governance within NUL:
The following section depicts examples of anomalies that have occurred at NUL. The period beginning January 2007 was marked by resurgence of almost a total disregard of established official policy and legal frameworks and the accompanying guidelines and regulations regarding which statutory bodies are authorised to deal with what issues. A few examples that follow

focus on some structures within the central administration itself. For instance, the Vice-Chancellor had set up some "consultative forum" where deans and directors were led to believe that they were being consulted on critical issues to give advice to Management in preparation for management tabling such issues before appropriate structures for decisions to be taken.

The fact remains that this consultative process totally sidelined the statutory committees and usurped their responsibilities. When some old hands in the academic and administrative business of NUL raised questions at this development they were informed that these are mere "informal consultative meetings." The worrying fact has been that this informal forum has taken decisions that have been implemented without prior approval or sanctioning by the statutory bodies which ought to have taken the decisions in the first place. An example was the 2008 staff development arrangement that was not handled via the NUL Localization and Training Board (NUL Bulletin, 12 February 2008:1 and 5). Action taken based on decisions from this informal forum is bound to be illegal and it would be justified to regard deans and directors as accomplices. It could only be legitimised via ratification by the legally constituted bodies. Otherwise it remains unlawful. It was incumbent upon deans and directors as well as the Pro-Vice Chancellor to advise the Vice Chancellor and insist on doing things within the confines of the law.

On recruitment and appointment of senior academic staff in particular, the process since the arrival of the current Vice Chancellor has sidelined the normal structures i.e. the Appointments Office and the Academic Staff Appointments Committee (ASAC). A glaring example was the advertisement recruiting for post No. 0410 Director, Marketing and Communications; post No. 3580 Director, Research and

Graduate Studies; post No. 0070 Director, Centre for Teaching and Learning (CTL) and post No. 0037 Director, Human Resources. According to the Statute 21.1 (a) (NUL Calendar 2006/07:426) this Joint Committee of the Council and Senate among its powers and duties recommends to the Council the appointment of all members of the academic staff and all administrative and other staff on academic terms and conditions of service. It was released by the Vice-Chancellor's office and applications were to be forwarded to the same office and not the secretariat which is the Appointments Office. This was followed by some underhand type screening of candidates so that applications of those favoured by the powers that be would be considered to the exclusion of those not quite favoured. Often this disregarded qualifications, expertise, experience and other considerations such as the applicant's familiarity with the culture of the Institution and the best way it conducts business. ASAC would later be just informed in passing or by the way. This totally undermined the legal functions of ASAC as spelt out under Statute 21 (NUL calendar 2006/2007:426). The closing date for all of them was July 31st 2007. The process of screening candidates so lacked transparency that it was left shrouded in suspicion and doubts. However, ASAC ignored warnings while its majority membership continued to fawn on authority and failed to insist that the law be upheld.

On staff development there has been an equally deliberate side-lining of other "legal structures" such as the Localization and Training Board (LTB) housed in the Development and Planning Unit (DPOs). For instance, matters and issues of long term staff development and training fall under the purview of the LTB. But the Vice Chancellor took over these functions; selected candidates and allocated grants with the complicity of some of the long time serving deans and

professors who should have advised otherwise (Nyaka, 2009). Matters of staff development have conventionally been known to be handled by the Pro-Vice Chancellor's (PVC) office on behalf of the Vice Chancellor. But the way matters are handled currently smack of a deliberate attempt at undermining standing procedures. The faculties and departments were thus denied their right to be involved so that they could best figure out how disruptions in teaching resulting from abrupt departures of staff could best be minimised. This action further promoted the system of patronage whereby some staff were named "Mentors" that were handsomely rewarded both in cash and in kind for the so called 'mentoring" of staff on training (NUL Bulletin, 12 February 2008 p.1 and 5).

The Research and Conference Committee (RCC) was established to facilitate for processing of applications for research and conferences funds. The committee has always been chaired by the PVC. However, with these recent developments issues that should have been dealt with by the RCC (i.e. granting research grants) were similarly dealt with at the Vice Chancellor's desk instead of the Pro-Vice Chancellor's who chairs the RCC. It was as a result of some of these anomalies and resultant financial irregularities that the donor, Kellogg Foundation withdrew the fund leaving those who had been earmarked as its beneficiaries in very difficult financial situations while already placed in other institutions to further their studies (Moeletsi oa Basotho, 27th April 2008:1 and 8).

The policy and legal frameworks referred to earlier in the introduction stipulate the specific structures to deal with particular issues. For instance,

On Admissions and Registration of Students:-

There are stipulated time-lines within which these processes should be completed by the University admissions committee and the academic and administrative departments designated to deal with such matters. This is in order to allow for the 15 week semester to run. However, what has happened year after year over the past five years is that registration and clearance of students occur well into the examinations sessions where students would first present themselves as officially cleared via the Registrar's signature in the examination hall to sit examinations. This situation raises lots of questions such as whether these students have been attending lectures and by whose authority? Whether they have done continuous assessment work and been credited with some marks for them or whether they were "auditing" the courses. It is important to note that NUL has no policy on auditing of courses, so it would mean that no student would walk in and out of classes attending courses for which he/she is not registered and later expect to be credited with some mark when no one granted him/her permission to audit such a course.

The bottom line is that students do not get taught for the duration of the time prescribed thereby casting doubt on whether content would have been adequately covered. Also those who attend classes without prior proper official registration get services for which they have not paid thereby defrauding the University.

On Poor Presentation of Academic Issues for Consideration by Senate:-

Senate is a statutory structure (Statute 7) charged with being "the principal academic authority of the University.... responsible for the academic work of the University, both in teaching and research, and for the

regulation and superintendence of education, welfare and discipline of students". It is further stipulated that "subject to this Act and the Statutes, the Senate may appoint such committees as it deems fit" and "delegate to any such committee any of its powers and duties" (NUL Calendar 2006/07: 423).

On many occasions senate has been abused in various ways:-
  i. For instance, calling impromptu meetings of Senate without due statutory stipulation of 2 weeks' notice during which papers would have been circulated and read by members in preparation for fruitful discussions in meetings has become a common practice.

  ii. Other surprising occurrences have included meetings which are allowed to run without substantive agendas. Because often no papers are circulated, senate is bombarded with *oral presentations*. The obvious immediate snack is that in the absence of formal written motivations for issues tabled, Senators have no documentation to refer to later or keep as a record to justify decisions taken. An illustrative example here can be cited as the *undated* notice of the 288th (special) Senate meeting held on 27th August 2008. The single agenda item was "to advise Council on Current Prevailing Situation at the University". The Chairperson gave Senate a verbal report claiming that a written report had been presented to the Senate Executive, another non-statutory body with no executive powers except that under tight situations where Senate cannot meet for consideration of urgent issues, it can decide on behalf of Senate with a pro-viso that the decision would as soon as possible be presented to full Senate for ratification. It is this ratification that legitimises the decision taken and

any follow-up action therefrom. The problem of late is that Senate Executive decisions are seldom tabled before Senate for ratifications as required by the law. Other decisions still remain unratified but, however, implemented.

iii. Another even more serious problem is the reluctance by the Registrar to personally record proceedings as directed by the Statute. The Registrar in violation of Statute 6(1) which directs her to be secretary to Senate (NUL Calendar 2006/07:422) continues to delegate this important duty to her junior functionaries with a consequence that minutes of Senate are often not written on time, circulated and appropriately considered for approval by Senate. Because of this Senate meetings keep on holding and are termed "Special" in order to justify not considering minutes of previous meetings not to mention dealing with matters arising therefrom. This is the only way that Senators would get to know what action was taken on decisions taken earlier and whether or not there would be need for follow-ups for further action. The net result is always that issues just pass on unchallenged and unscrutinised due to lack of tangible reference point. Most importantly people just forget about them. The problem is made worse by the fact that; over the past five years or so newly recruited members have assumed headships of departments and end up in Senate before they can get proper mentoring and guidance. Thus majority of them do not quite fully understand the dynamics involved in the Senate debates and know the relevant regulations and considerations that should guide decision-making.

iv. Other situations have been when Senate is provided with insufficient information such that decisions cannot be taken (Senate Paper (S.P) 2009/05 for the 10th February 2009 meeting). This was a letter from a student who was applying for an Aegrotat; something which is the prerogative of the "Examiners" as per regulation AR. 701 under "Aegrotat Regulations". The regulation clearly states

if a student is prevented by illness or other sufficient cause from undertaking some requirements for normal assessment (tests, examinations etc) **the Senate may upon a written report from the Examiners concerned** and upon such medical and/or other evidence as it shall think fit declare the candidate to have satisfied the examiners and assign an overall grade accordingly, or it may require to take an alternate test or examination (NUL Calendar 2006/07:18).

It was obvious on this occasion that the information submitted to Senate was incomplete because the concerned faculty in dealing with the matter had not followed proper procedures in the first place. No submission from the concerned department was attached, yet surprisingly, both the Pro-Vice Chancellor and Registrar had supported the recommendation by appending their signatures as approval despite the anomalies. It was clear that had the Chairman of Senate not insisted that the matter should be tabled before Senate, the said student could have graduated by default. One would wish that the chair should also insist on submission of full/complete information that could have assisted Senate to take a decision.

v.   Another example to cite is S.P. 2008/25 – "Boycott of Classes" tabled for the special Senate meeting of 26th August 2008. This was a letter written by the SRC to Council outlining the students' grievances and concerns as a result of which they had decided to boycott classes while Council considered their submission. This paper was thrown at Senate without proper **written motivation** by Management. Instead, Senate was given a long oral presentation by the Chairperson and SRC Senate representative and then caused to debate issues raised in the letter. It is the duty of the Registrar to ensure that papers are properly prepared for presentation and that of the Chairman of Senate to accept only those that satisfy standard requirements to be tabled before Senate. Yet another paper S.P. 2009/04 being an ASAC paper on staffing situation was thrown at Senate without a proper covering sheet clearly stating it was **"for Information of Senate"** at its meeting of 10th February 2009. It could further have been clarified in the written motivation that it was seeking the views and opinions of Senate on the matter.

vi.   The Senate meeting of 15th January 2009 witnessed what in my opinion was a classic example of behaviour of an organization which has completely lost its bearings. Paper S.P. 2009/01 was addressing the problems resulting from staff accumulating leave and how this impacts on teaching and learning. Hence the emphasis on the "legally accumulated leave", meaning that leave which had been officially deferred with the approval of the Vice Chancellor would be "banked" for later taking as long as this would have happened before a certain agreed period. It is important to note that members of staff are by law expected to apply through the head of

department to take their annual leave. However, should circumstances in the departments dictate otherwise, then such leave gets recommended for deferment. The Registrar's and Vice Chancellor's approval are very critical otherwise such leave gets forfeited because it would not have been officially deferred. In this particular meeting, Members of Senate, (including former Vice Chancellors, Professors, Deans, Directors and Heads of Departments) vigorously and successfully battled against the use of the statement "accumulated leave that has been legally deferred by the Vice Chancellor will no longer be forfeited but be banked..." The thorniest word here was "**legally**" such that this had to be dropped thereby allowing staff to claim to have accumulated leave which had never been officially/legally deferred as provided for by the law. One wondered why the Chairman of Senate could not stand his ground on this one because he has the power to, particularly when there were few other strong voices arguing for the observance of the rule of law. The proponents of "illegality" were arguing that people are too busy with University work to remember to apply for leaves etc. However, this further goes to show how laxed administration at departmental and faculty levels is. It is common knowledge that most staff members at NUL absent themselves from work without signing leave or even reporting to their authorities. Despite this they remain credited with the full complement of their leave days. This surely cannot be indicative of good governance.

Poor Governance within Faculties:-

i.   **Abuse of "faculty executives":**

Because the top most tiers of University administration have opted to use unstatutory bodies to deal with its business, the leadership of some faculties has opted to use faculty executive committees to conduct faculty business instead of utilizing the faculty staff and faculty boards. The faculty executive committee is yet another unstatutory structure intended to attend to urgent faculty business in the event of the faculty board not being able to meet. The decisions taken by faculty executive committees must by law, therefore be presented to the faculty boards that have legal powers for ratification. This procedure continues to be undermined with the net effect that new members of staff are falsely led into believing that faculty executives have some power. This has led to other faculty staff members believing that they are deliberately being side-lined.

ii.   **Appointment of heads of departments:**

Standard procedure provides for members of departments to elect their own substantive or acting heads of departments. Upon submission by the incumbent department head of a name of the person elected to assume the headship and a copy of the relevant set of minutes of the department at which such a decision was taken, the Dean must forward the package on to the Registrar recommending appointment of the elected member. Within the past two years there have been cases in some departments whereby offers for acting headships have been made even without evidence of minutes from the concerned departments. While in yet other cases

some Deans have rejected the departmental choices and instead nominated and forwarded names of their own choices. Again in all these cases there were no supporting departmental minutes yet the Registrar has gone ahead made offers. The bottom line is that such headships (acting or otherwise) have no legitimacy and therefore, remain wide open to challenge. This is indicative of the endemic weakness and disregard of the rule of the law by Deans. Complicity by top management has been demonstrated through its approvals of such actions.

iii.   The question of the so-called "Part –time Markers":

There has in recent years emerged a practice whereby lecturers assign students to mark scripts of others. It has not been possible to get evidence of the senate approved criteria to guide selection of such markers. It is a situation whereby individual lecturers use their discretion to pick and choose as they please unguided by any officially sanctioned criteria. Consequently there has never been a safety net for when other students lodge complaints that "the markers" have done them injustice and marked them down. Some students have complained of favouritism on the part of markers and that they were deliberately marked down if they had fallen out of favour with the said markers for reasons least related to academic matters. Some lecturers too have fallen victim to this kind of practice.

iv.   Sub-Committees Deliberately Usurping Powers of the "Mother Committees":

It is significant to note that the crisis which has been raging between the three major denominations in the country and currently before the courts of law over one

building a church on the site of another on the NUL campus is a result of bad governance decisions taken by the 1999 University Management under the Chairpersonship of the then Vice Chancellor. (Minutes of the Board of Development; 25th August 1999 (special meeting)) The Committee (Board of Development) which is purported to have allocated a site had no powers then and still does not have powers now to allocate anything as per statute 17 which describes the structure as a joint Board of the Council and the Senate which shall advise on the growth and development of the University (NUL Calendar 2006/07:424). The law mandates such a committee (Board) to report to the University Council for it to take decisions. If in this instance it had taken the decision on behalf of Council, then there ought to be a clear record of Council's ratification of such a decision. It is obvious that it never happened because such a record cannot be produced even by the Council Secretariat itself.

To wind up this section one can only make reference to the Registrar's circular of May 16th 2009 to staff and students whereby in the middle of examinations when lecturers were busy marking scripts and students writing examinations they were given three weeks within which to submit comments on regulations and statutes governing the University. Why such bad timing for such a sensitive and critical issue with the Registrar claiming sensitivity to "legislative frameworks"? This was just a smoke screen and the Registrar must have known that not much would come out of the exercise. It comes as a sad reminder to the NUL Administration that NUL has been the only institution that declined several requests by the MOET Task Team to facilitate for the internal dissemination of the Lesotho Higher Education Act 2004 since May 2004. The Vice Chancellor of the time had unfortunately bowed to pressure

from his more influential colleagues in administration who had already fallen victim to denialist attitude of pretending that transformation had meant doing away with everything else that was then in the book and operating outside the law. Three eras of Vice Chancellors have gone by without the NUL community getting the benefit of being educated about this Act and getting the opportunity to openly discuss it and see its implications for the already existing statutes. How then can the Registrar during examinations expect staff and students to intelligently critique or review on the basis of something they have not had the opportunity to be informed about well enough to be sensitised to its significance and relevance to how the University is governed?

The Negative Impact That Deteriorating Governance Situation Has Had on Good Service Delivery within NUL

The following section gives highlights of some of the observable results that the deteriorating governance situation within NUL has had on service delivery particularly on the academic services.

Since 2002 the NUL administration has bowed to both internal and external forces to increase admission quotas to over flowing unguided by clear assessment of adequacy of existing facilities and capacity in terms of teaching staff. Consequently, students are receiving a raw deal in services that relate to teaching and learning. This is corroborated by the Registrar's circular of 13th August, 2009 Paragraph 2.5 which reads "All the above challenges are exacerbated by the increasing students' population which currently stands at 14000 without commensurate infrastructural facilities and capacity". As a result

o New students have not had the opportunity to be taken on conducted tours of the library. As such they feel at a loss when they get into the library.

o Classrooms are overcrowded sometimes with close to 500 students or more.

o There is no enough furniture in some rooms such as the Netherlands Hall where teaching is scheduled to take place. Students remain on their feet throughout the lecture or write on their thighs. They keep running from lecture room to lecture room carrying whatever chairs they can grab. In other lecture rooms such as the CMP Lecture Theatre some students even sit on the steps while others drag in desks from neighbouring classrooms. The whole situation looks so chaotic that it is impossible for productive teaching and learning to occur.

o Because of the condition described above lectures are disrupted as students walkout of classes before time eager to find a place in their next lecture room to sit as near to the lecturer as possible so that they can hear what the lecturer is saying. Others are eager to come in just so that they get a place to sit. All this happens even 15 minutes before the time of the other lecturer is up. Those students that one is teaching at the time are already jittery eager to dash out to the lecture room where their next lecture is. In these circumstances teaching and learning get adversely affected.

Weeks (2003:193) had raised opinions regarding how the University of Botswana had addressed and responded to the ever increasing pressure to increase enrolments and the actual social demand for higher

education. He submits that the ethos of the university had been to "move with caution and to attempt to avoid the mistakes that had been made in higher education elsewhere in Africa that had resulted in overcrowding, inadequate staff and facilities, falling standards, and a general demoralization and decay." He does, however conceded that the University had indeed missed out on some opportunities because of its decision to move at the cautious developmental pace. This means it is yet to develop to its full potential. At least, it is proud of the little quality output it can show in spite of the constraints. In the case of NUL one recalls that when similar concern about high student numbers was again raised during senate consideration of the 2008/2009 academic year examinations results the secretary of senate had laughed the problem off saying but the University is making money out of the many students. One would wish that the funds generated were spent on providing/improving teaching resources and facilities. But there is not much to show for it.

- **Students' Registration**

Registration of students seems to go on and on such that some students get cleared to register even on the day of examinations. Two things can only emerge from this. First, that the said students have been auditing courses without authorisation. While one is aware that NUL has no policy on course auditing, it remains very unfair for some students to get service that they have not paid for. This is made worse by the fact that when they fail such courses they end up not paying at all. In essence, lecturers have wasted time on

undeserving students by teaching them and marking their work.

In the first semester of the academic year in most departments, only ten or so weeks get devoted to actual teaching because of protracted processes of admissions, registrations, transfers between faculties, delays by the National Manpower Development Secretariat (NMDS) to release funds for students. The net effect is that the University no longer runs a 15 week teaching semester. Students often write December examinations before they have fulfilled course requirements.

- **The declining age at entry of the student population**

With the in-coming population becoming younger and younger by the year (e.g. there is currently a 14 year old) one sees more of them having to struggle to find a place to live in the villages surrounding the campus as they cannot be accommodated in University halls of residence. Ntimo-Makara and Matobo (2007) give a clear picture of the type of uncomfortable living experiences that students have to endure in rented accommodation off campus. Others have to commute over long distances to the University everyday. This sometimes takes a toll on them as they arrive late at classes or miss attending altogether due to unreliable transport services.

- **Poor Faculty and Departmental Leadership**

For well over ten years now concern has been raised about what Matšela (1996:19) in his handing-over notes following 12 months of acting Pro-Vice Chancellorship highlighted "the ailing headship of some faculties and departments as one of the nagging problems which required urgent and continuing attention and action."

It would seem that not all problems have been addressed over these past years. Some faculties continue to be "run" by faculty executives which have no legal mandate to take officially binding decisions. They only have to facilitate processes while their decisions must, by law, be the subject of approval by the faculty boards. Because faculty boards are somewhat sidelined by some faculties, it is obvious that lots of decisions taken and implemented without ratification being recorded are unlawful.

- **Failure to fill Senior Administrative positions**

Another negative result of poor governance and its impact on service delivery is that some critical senior established and funded positions such as that of Deputy Registrar and Deputy Librarian remain unfilled. Ntimo-Makara (1997) in her official handing over notes to the new substantive Vice Chancellor had pointed to the existence of a position of Deputy Registrar which had remained vacant. This position was established as a result of the realization of increased volume of work that the Registrar's office had to handle and therefore needed an extra senior hand. This involved coordinating the administrative and other service units such as the domestic bursary and works and maintenance department. The section which in one's opinion has been under most threat has been the academic office. This is because the office performs lots of functions related to service provision particularly to students and teaching staff in liaison with relevant departments. The presence of a Deputy Registrar would ease pressure off the Registrar. Instead, the institution is busy engaging more and more non-academic support staff while the centre itself is desperate for some magic formula to keep it coherent and strong so that it can lead the way and do away with the

chronic delays that have hit certain critical processes such as admissions, registration and timely release of examinations results inclusive of supplementary results.

Conclusion

This article has highlighted the importance of good governance practices for quality service delivery. In doing so it has focused on how NUL's departure from such practices has undermined service delivery that has left the various sectors of the Institution adversely affected. It has been established from the data that the bulk of critical operations of the Institution have not been guided by the existing policies and legal frameworks. The worrying prevalence of poor management skills at almost all levels has crippled the Institution's ability to deliver services as expected. A few "exit interviews" that one has had the opportunity to conduct because of the recent spate of resignations by disgruntled young teaching staff have pointed to the concern and high degree of uncertainty regarding their future given the disorganized manner in which business is conducted within departments and other levels that affect them. With the institution's retention level continuing to decline, it is imperative that NUL gets its act together and conduct business within the confines of the law, provide proper induction programmes, for staff for them to understand how the University system operates and see their professional role in the whole scheme of things. Majority of the new teaching staff need basic teaching and assessment skills. With time they would be exposed to administration at departmental and faculty levels in an organised phased manner rather than now when people just come in and are in no time appointed to headships, tutorships etc. NUL has to review the process of appointing people into positions of responsibility at all levels. Some criteria and screening are necessary. The popular vote practice has lately completely lost it.

There is need for the Institution to make a deliberate effort to educate staff and students about the Lesotho Higher Education Act 2004 and how it relates to the Institutional Statutes and Ordinances. Systematically organized workshops and seminars are an imperative to promote this. This effort would also help give sense of direction to the NUL strategic planning initiatives in far better ways than has been the case with the current NUL Strategic Plan 2007-2012. It needs the buy in of all stakeholders. Where necessary, the legal frameworks have to be reviewed accordingly. NUL must develop a policy to cover course auditing in the light of the fact that most students sit in lectures and even sit examinations without being officially registered and financially cleared.

It is critical that senior established positions in administration are duly filled with suitable candidates and not left vacant. This would help close the administrative gap which, in most cases is responsible for poor governance.

Finally, it is critical to note with great concern that NUL is currently under threat from emerging competing institutions such as Limkonkwing University. The competition is mainly for financial resources so critical for having enough quality staff and facilities for delivery of good service. Above all good governance practices and applications on all fronts can save NUL from the on-slaught.

Institutions have their cultures that get developed over a long period of time. Thus the significance of the Institutional culture and context cannot be denied because they both deeply influence how the institution operates.

It is perhaps important for us to remember as Teferra (2008:73) observes that African higher education system is probably the most internationalized system in the world not by

participation but by omission because it remains the weakest global higher education system. He argues that it relies heavily on the discourse, paradigms and parameters set by others, rendering it vulnerable to global whims and idiosyncrasies; while it remains the least internationally engaged.

To me this further stresses the fact that issues have to be addressed within context as prospects and challenges reflect peculiar characteristics that are unique to individual countries and socio-cultural, political and religious environments. The battered image of NUL could still be salvaged if all decisions were properly legitimised by being taken within the confines of the law.

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