

UNIVERSITY OF CAPE COAST



UNIVERSITY POST OFFICE
CAPE COAST, GHANA

Our Ref: CONV/ADHOC/23/ V.1/16

7th June, 2023

Chairman of Convocation
UCC

Dear Sir,

SUBMISSION OF REPORT (CONVOCATION ADHOC COMMITTEE)

We refer to your letter CON/DPA/23/VOL.01/008 dated 3rd February, 2023 and forward herewith the attached report for your information and necessary action.

Thank you.

Yours faithfully,

Millan Ahema Tawiah (Ms.)
SECRETARY
CONVOCATION ADHOC COMMITTEE

cc: Vice-Chancellor
Pro Vice-Chancellor
Registrar
Board of Convocation

REPORT OF THE AD-HOC COMMITTEE OF ENQUIRY INTO BOARD OF CONVOCATION'S PETITION SUBMITTED TO MANAGEMENT OF THE UNIVERSITY OF CAPE COAST ON 12TH JULY 2022

1.0 INTRODUCTION

Convocation at its meeting held on 2nd February, 2023 constituted an Ad-Hoc Committee of enquiry to look into a petition submitted by the Board of Convocation to Management of the University on 12th July, 2022. At the Convocation meeting Prof. Samuel Kyei and Prof. Emmanuel Kwesi Abu indicated that their names were mentioned in the petition and expressed their displeasure about the content of the petition. The Professors informed Convocation that they had initiated the process to seek legal redress. Members of Convocation expressed different views about the petition and the concerns raised by the Professors. Subsequently, this Ad-hoc Committee was constituted on the floor of Convocation to look into the petition.

2.0 MEMBERSHIP OF THE COMMITTEE

The following are the members of the Ad-hoc Committee:

- i. Prof. Akwasi Kumi-Kyereme - Chairman
- ii. Prof. (Mrs.) Christine Adu-Yeboah - Member
- iii. Mr. Kwabena Antwi-Konadu - Member
- iv. Dr. Samuel Bert Boadi-Kusi - Member
- v. Ms. Millan Ahema Tawiah - Member/Secretary

3.0 TERMS OF REFERENCE

The terms of reference of the Ad-hoc Committee were to:

- i. determine the veracity and appropriateness of the petition.
- ii. profess the next line of action regards to the submission of the petition.
- iii. consider other relevant issues that might emanate from your committee activities.
- iv. make appropriate recommendations.

4.0 PROCEDURE ADOPTED

4.1 Meetings

The Ad-hoc Committee held six meetings on the following dates:

- i. 7th February, 2023
- ii. 22nd February, 2023
- iii. 20th March, 2023
- iv. 30th March, 2023
- v. 31st March, 2023
- vi. 17th May, 2023

4.2 Sources of Information

The following are the major sources of information for the Ad-hoc Committee:

- i. University of Cape Coast Statutes, 2016.
- ii. The petition submitted by the Board of Convocation to the Management of University of Cape Coast.
- iii. Upon request the Chairman of Convocation furnished the Ad-hoc Committee with copies of the following:
 - a. The notice to Convocation on the appointment of Chairman and members of the Board's Special Committee.
 - b. The report submitted by the Board's Special Committee to the Board of Convocation.

iv. The Secretary to Convocation furnished the Ad-hoc Committee with copies of the following upon request:

a. Minutes of the Convocation meeting held on Thursday 14th July, 2022.

b. Minutes of the Convocation meeting held on Thursday 21st October, 2023.

v. The Ad-hoc Committee received copies of the legal responses from Prof.

Emmanuel Kwesi Abu and Prof. Samuel Kyei to Prof. Benjamin Kofi Nyarko following the submission of the petition to Management of the University.

vi. Upon request, the Ad-hoc Committee received copies of the legal responses from Prof. Benjamin Kofi Nyarko to the letters received from the Lawyers of Prof. Emmanuel Kwesi Abu and Prof. Samuel Kyei.

vii. Upon request, the Ad-hoc Committee received a response from the Directorate of Human Resource concerning the appointments and promotions history of Prof.

Emmanuel Kwesi Abu and Prof. Samuel Kyei.

5.0 FINDINGS OF THE AD-HOC COMMITTEE

The following are the findings of the Ad-hoc Committee based on the documents consulted and the responses to the requests received:

i. The Board of Convocation verbally constituted a four-member Special Committee, chaired by the Chairman of Convocation at its meeting held on Thursday, 13th January 2022.

ii. The terms of reference for the Special Committee were not explicitly stated in the report submitted.

iii. The Special Committee was to investigate concerns from some Members of Convocation regarding promotions.

- iv. The Board of Convocation communicated to Members of Convocation to send any concerns regarding the subject matter to the Chairman of the Special Committee, Prof. Benjamin Kofi Nyarko.
- v. There is no evidence of any written or verbal complaints from Members of Convocation to the Committee.
- vi. The report submitted by the Special Committee to the Board of Convocation has no cover letter and there is no evidence that members of the Special Committee signed the report.
- vii. The findings of the Special Committee include appointments to positions in the University which is outside the main issue the Special Committee was tasked to investigate.
- viii. The report submitted by the Special Committee was four pages but the petition, which was sent to Management was 14 pages.
- ix. There are differences in the content of the report submitted by the Special Committee to the Board of Convocation and the petition sent to Management of the University by the Board of convocation. For instance, the report has ten recommendations (pages 3 and 4) but the petition has no recommendation.
- x. The petition contains matters that are not mentioned in the report. For instance, the report has no case studies on Prof. Samuel Kyei and Prof Emmanuel Kwesi Abu but the petition has about four pages (page 3 to 6) on the promotions of the two Professors.
- xi. The Board of Convocation sent copies of the petition to the Pro Vice-Chancellor, the Registrar, Convocation representatives on Council, Former Vice-Chancellors,

Former Pro Vice-Chancellors and Academic Board representatives on Appointments and Promotions Board.

- xii. At a meeting of Members of Convocation, at the instance of the Appeals Board, held on Wednesday, 23rd March, 2022, the Chairman of Convocation as part of his closing remarks informed Members of Convocation that the Board was working on some complaints received from some members of Convocation and that at the right time, members would be provided with the details of the work.
- xiii. At a Convocation meeting held on 14th July 2022, the Chairman of Convocation informed Convocation about the submission of a petition to the Vice-Chancellor/Management of the University. He presented highlights of the petition to members and added that it was for their information only but not for discussion on same since the Board was waiting for the Vice-Chancellor's or Management's response.
- xiv. Some members of Convocation whose names were mentioned or cited in the petition including Prof. Samuel Kyei and Prof. Emmanuel Kwesi Abu were not given a hearing.

6.0 OPINION OF THE AD-HOC COMMITTEE

The opinion of the Ad-hoc Committee on the constitution of the Special Committee, the report submitted by the Special Committee and the petition sent to Management of the University based on the findings are as follows:

- i. The constitution of the Special Committee is unconventional because it should have been done by Convocation. Conventionally, members who serve on Committees of Convocation are nominated and seconded by Members of Convocation.

- ii. The appointment of the Chairman of Convocation to chair the Special Committee constituted by the Board of Convocation is problematic since the Special Committee was expected to submit its report to him.
- iii. The composition of the Special Committee is unconventional because all the members of the Special Committee are members of the Board of Convocation.
- iv. The report submitted to the Board of Convocation by the Special Committee without explicit terms of reference is unacceptable.
- v. The report submitted by the Special Committee, which was not signed by the members, is an anomaly because it raises questions about the authenticity of the report.
- vi. A procedural error was committed because the report submitted by the Special Committee to the Board of Convocation should have been brought to the attention of Convocation as per Statute 39.11(b).
- vii. The basis for the petition sent to Management of the University is questionable because it is not premised on the report submitted by the Special Committee.
- viii. The disparities in the content of the report submitted by the Special Committee and the petition sent to Management of the University by the Board of Convocation is unacceptable.
- ix. The rules of natural justice are breached because Members of Convocation who are cited in the petition were not given a hearing.
- x. The Ad-hoc Committee is of the view that, it is inappropriate to send copies of the petition meant for Management of the University to former Vice-Chancellors and Pro Vice-Chancellors because they are not part of Management.

Content

The members of the Ad-hoc Committee are grateful for the opportunity to be of service to Convocation.

Heading

9.0 APPLICABILITY

Content

- i. The Board of Convocation should adopt engagement with Management and other stakeholders as a first option in resolving issues rather than petitions. Petitions may, however, be considered as a last option.

deems necessary.

- ii. Convocation with specific terms of reference to consider any issue(s) it
- iii. Convocation may properly constitute a committee on the floor of

- iv. The Board of Convocation should render an unduly brief apology to Prof. Emmanuel Kwesi Abu and Prof. Samuel Kyei as well as Convocation.

- i. The Board of Convocation should officially write to withdraw the petition from Management of the University and all who were served with copies.

Based on the findings of the Ad-hoc Committee and the conclusion, it makes the following recommendations for the consideration of Convocation:

Heading

8.0 RECOMMENDATIONS

Based on the findings of the Ad-hoc Committee the veracity and the appropriateness of the petition cannot be sustained.

Heading

7.0 CONCLUSION

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page

MEMBERSHIP

Name

Prof. Akwasi Kumi-Kyereme

Prof. (Mrs.) Christine Adu-Yeboah

Mr. Kwabena Antwi-Konadu

Dr. Samuel Bert Boadi-Kusi

Ms. Millan Ahema Tawiah

Designation

Chairman

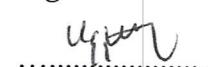
Member

Member

Member

Member/Secretary

Signature







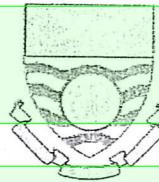




APPENDIX A

UNIVERSITY OF CAPE COAST

BOARD OF CONVOCATION



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Co Director of Public Affairs
University of Cape Coast
Cape Coast

Our Ref: CONV/DPA/VOL.1
Your Ref.:

12th July, 2022

Vice-Chancellor
University of Cape Coast
Cape Coast

Dear Sir,

PETITION FROM CONVOCATION ON MATTERS OF INTEREST TO MEMBERS OF CONVOCATION AND THE UNIVERSITY

On behalf of Convocation, I submit the petition attached hereto on matters that have been brought to the attention of the Board of Convocation from members of Convocation. The issues have the potential to threaten the harmony, morale and integrity of the university system and therefore deserve urgent attention.

The following are the major issues in the petition:

- (a) Wrongful withdrawal of the promotion of a senior member whereas other unmeritorious promotions have been allowed to stay;
- (b) Undue delay, seeming abuse of process and unfairness in the promotion of some senior members of the University;
- (c) Breach and selective application of the criteria for appointment and promotion of some senior members;
- (d) Unilateral appointment to positions that do not exist and without recourse to the Statutes and practices/convention in the University;
- (e) Unfair and wrongful interpretation and application of a committee's recommendation to override the Criteria for Appointments and Promotions of Senior Members;
- (f) Unexplained delays in the promotion of Clinicians at the School of Medical Sciences.

Please find the details in the attached petition. It is our expectation that the petition would be given the attention and urgency it deserves to restore calm and defuse the simmering tension in the University.

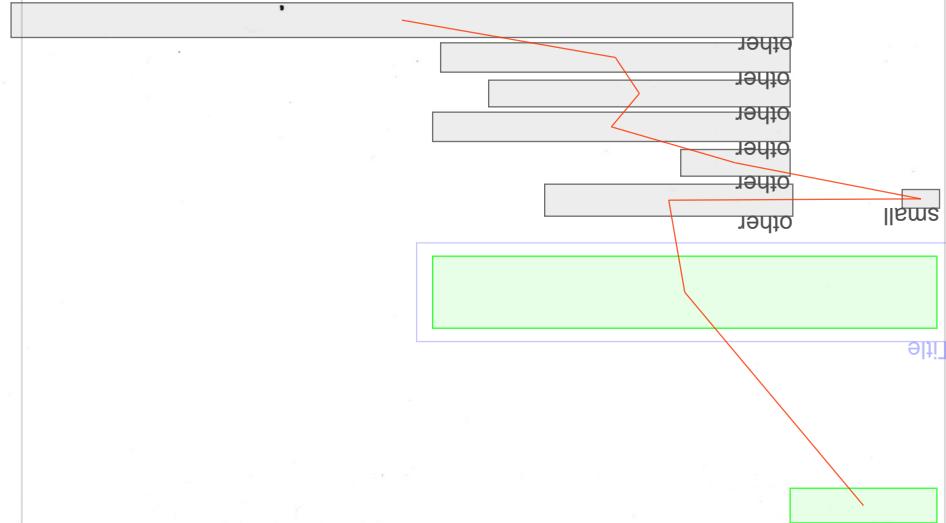
Universities and Publishers

We should be grateful to receive responses from the University Management within fourteen days to inform our next line of action.

Thank you.


PROF. BENJAMIN KOFI NYARKO
CHAIRMAN OF CONVOCATION

cc: Pro Vice-Chancellor
Registrar
Convocation Reps on Council
Former Vice-Chancellors
Former Pro Vice-Chancellors
Academic Board Rep on the Appointments and Promotions Board



UNIVERSITY OF CAPE COAST

CONVOCATION OF UNIVERSITY OF CAPE COAST

PETITION FROM THE BOARD OF CONVOCATION ON APPOINTMENTS,
PROMOTIONS AND RELATED ISSUES

INTRODUCTION

This petition is anchored on the powers conferred on Convocation of the University of Cape Coast by statute.39.2 (a and b) of the University of Cape Coast Statutes, 2016.

It is the outcome of the work of a four-member special committee constituted by the Board of Convocation to investigate and seek clarifications from University Management on individual petitions on promotion and related matters received by the Board.

The impetus to form the Committee came from a groundswell of complaints regarding promotions, appointments and interpretation of the University's policies. The following are some of the complaints:

- a) Promotion of some faculty members delays unduly. The undue delays have created serious tension in the University and disaffection among many colleagues.
- b) Faculty members of the School of Medical Sciences of the College of Health and Allied Sciences seem to be suffering from promotion-related issues. Most of them, especially Clinicians, are demotivated to work beyond their core mandate. They are not putting in their maximum effort to continue to enhance teaching and especially research, and also perform their affiliate duties at the teaching hospitals as it used to be.
- c) Promotion of scholars who have contributed to the University's THE ranking and grooming of the Medical School to be number one in Ghana are, on the contrary, treated with disdain, particularly with regard to consideration of their promotion documents.
- d) The established norm on appointment based on seniority and experience has not been adhered to recently.
- e) The criteria for appointments and promotions has been observed to be applied selectively.
- f) Misinterpretation of *Statutes* and policies by Management and Boards has become a commonplace in the University.
- g) There are communication lapses in promotion/appointment decisions

APPROACH USED BY THE COMMITTEE

The Special Committee consulted some key stakeholders in the University, including some members of Convocation and also relied on documents received from colleagues. Some of the stakeholders consulted included the Provost of the College of Health and Allied Sciences as well as the Dean, Vice-Dean and Faculty Officer of the School of Medical Sciences.

Documents consulted by the Committee included the University of Cape Coast *Statutes* (the current *Statutes* and its predecessors, i.e. 2012, 2003); Report of the Prof. Yankson's Committee on Grievances of UTAG UCC and other documents.

ISSUES RAISED DURING THE INTERACTIONS

It was admitted that some individuals and Departments are the cause of delay in processing of promotion documents. The Faculty Members of the School of Medical Sciences, however, raised the following concerns regarding delays in processing of their promotion documents:

1. The time it takes to receive updates on assessment outcomes is too long; in some instances it has taken three to five years.
2. There are ambiguities in communication to applicants regarding assessment results. An example of such communication is, "Two reports received to submit two new assessors", even when the names of assessors have been re-submitted countless times.
3. There are unexplained delays and lack of clarity on some decisions taken on the promotion of some colleagues at the Appointments and Promotions Board.
4. The requirement for acquisition of terminal degrees before some colleagues are considered for promotion to a higher rank is unfair and a demotivation to Clinicians in the School, particularly those with Fellowship qualifications who have contributed immensely to the University's achievements.
5. The terms of A&P's implementation of assessment outcomes are not clear or fair and mostly communication regarding such outcomes unnecessarily delays...

The Provost of the College of Health and Allied Sciences identified the following factors that cause the delay:

- a) lack of cooperation from individuals when changes are suggested to be effected;
- b) unavailability of some individuals to make correction to the promotion documents;
- c) some key administrators delay the processing of documents especially when they have to go on leave;
- d) difficulty in getting a response from possible assessors (abroad), especially in the case of promotion to professorial status, and at worse, from Ghana with regard to some disciplines;
- e) difficulty in understanding reports and requests from the Directorate of Human Resource due to brevity and inadequate clarity.

On the requirement that Clinicians should obtain Doctor of Philosophy (PhD) degrees to warrant promotion to higher ranks, the Provost responded that it should not be a problem considering that Fellowship qualifications are deemed in many jurisdictions, even within the country, as parallel to a PhD.

FINDINGS AND ISSUES FOR REDRESS

A. Breach of the Criteria for Appointments and Promotions of Senior Members

1. Withholding the Promotion of Mr Kow-Kwesya Amissah Abraham

- a) Mr Kow-Kwesya Amissah Abraham was appointed a Lecturer in the Department of Classics and Philosophy on 1st November 2015. With the requisite papers, he applied for promotion to the rank of Senior Lecturer and was promoted on the 1st August, 2020.
- b) On 14th April 2022, he received a letter from the Vice-Chancellor withholding his promotion to the rank of Senior Lecturer effective 1st August 2020.
- c) The basis for withholding his promotion, as given in the Vice-Chancellor's letter, was the report of the Special Council Committee on the interpretation of a recommendation of the 2016 Ad hoc Committee on Grievances of UTAG UCC.

Convocation, therefore, requests answers to the following questions:

- a) Will his promotion be backdated to the point it was withheld when issues are resolved?
- b) Was Mr. Kow-Kwesya Amissah Abraham informed of the decision of the Ad hoc Committee? If not, is it fair that he suffers at this time when he did not know the decision?
- c) How many appointment and promotion criteria does the University of Cape Coast have?
- d) Is an ad hoc committee report a promotion criteria or a substantive legislative instrument?
- e) How many Senior Members has this been applied to?

In our view, Mr Kow-Kwesya Amissah Abraham has been wrongfully dealt with considering that there are similar cases and examples.

2. The Case of Appointment of Prof. Emmanuel K. Abu

- a) Prof. Emmanuel K. Abu was appointed as a Tutor on 24th November, 2010. Prior to that, he had been a Senior Research Assistant at the then Department of Optometry from 1st September, 2009.
- b) At the time of the appointment, he possessed a Doctor of Optometry (OD) Degree. He later obtained a PhD in 2016.
- c) He was appointed as Tutor on 24th November, 2010. While paragraphs 1-3 of his appointment letter were about Tutorship, the 4th paragraph

indicated issues about a lecturer and the next paragraph placed him on a lecturer's salary scale. This was clearly in error in our view considering that he did not have the qualification at the time to be appointed as a Lecturer. This appears irregular considering that Prof. Abu applied for the position of a Tutor and not a Lecturer.

- d) The Director of Human Resource, the committee noted, equated the Tutor to Lecturer using the pay slip as the sole basis for his conclusion without probing why Prof Abu was on that salary scale. This begs the question of when Prof. Abu was appointed as a Lecturer and why he was placed on Lecturer salary when he was a Tutor and also did not have the needed qualifications. The question of "who placed him on that scale and why?" begs answers.
- e) The Academic Board at its First Regular Meeting (2015/2016) held on Tuesday, 27th October 2015 granted approval for the Tutors in the Department of Optometry who possessed MPhil Degrees to be upgraded to the rank of Assistant Lecturer. The Academic Board was clear that no Tutor at the Optometry Department without PhD should be upgraded to the rank of Lecturer until the person obtained a terminal degree.
- f) The Director of Human Resource, however, wrote to exempt Prof. Emmanuel K. Abu and equated his rank to the rank of Lecturer with the simple reason that "*he was already on a rank equivalent to that of a Lecturer*". In another letter, the Director of Human Resource sought to equate the appointment to a Lecturer because his pay slip indicated so.
- g) Dr. Abu was subsequently promoted to the rank of Senior Lecturer on 1st August, 2016 and later as Associate Professor.
- h) The Criteria for Appointments and Promotions of Senior Members at the time of the appointment of Prof. Abu (i.e., the 2003 Statutes) provided that the candidate must have a good first degree and a Master of Philosophy (MPhil) degree. In addition, the candidate must have taught for a minimum of two years.
- i) The promotion from Lecturer to Senior Lecturer was expected to be in accordance with paragraph 6.7.1, Schedule D of the 2012 Statutes which, *inter alia*, provides that candidate seeking promotion to the rank of Senior Lecturer must have engaged in university teaching, research and community as a **Lecturer** for at least four (4) years. Considering that Prof. Abu did not qualify and was not properly appointed as a Lecturer, the criterion was disregarded.

The findings from the foregoing are as follows:

- i. Prof. Emmanuel K. Abu did not possess a Master of Philosophy Degree and two years teaching experience to be appointed as Lecturer in 2010.
- ii. The decision to convert Tutors to Assistant Lecturers clearly indicated that Tutors and Lecturers were not equivalent.
- iii. The salary enjoyed by Prof. Abu as a Lecturer had no basis and should not have been used to equate his position as Tutor to Lecturer. Indeed, if the two ranks were the same, he would have been appointed directly to the rank of Lecturer.
- iv. The placement of Prof. Abu on the Lecturer's scale when he did not qualify to be there could have been done deliberately in our view; if it was in error, there were plenty of opportunities to correct this but it was not corrected.

3. The Case of Prof. Samuel Kyei

- a) Prof. Samuel Kyei was appointed as Tutor on 18th October, 2011.
- b) Apparently Prof. Kyei had enrolled in a Masters Programme (MPhil Pharmacology) at the Kwame Nkrumah University of Science and Technology (KNUST). His CV indicates that he completed the MPhil Pharmacology programme in 2012.
- c) The Academic Board, at its First Regular Meeting (2015/2016) held on 27th October, 2015 approved the recommendation from the Appointments and Promotions Board to upgrade the Tutors in the Department of Optometry who possessed MPhil degrees to the rank of Assistant Lecturer.
- d) Dr. Samuel Kyei's designation was upgraded to the rank of Assistant Lecturer in accordance with the decision of the Academic Board with effect from 26th February 2016.
- e) Professor Kyei obtained a Doctor of Philosophy (PhD) in Optometry degree dated 14th April, 2016 from the University of Kwazulu-Natal, South Africa.
- f) He was thereafter upgraded to the rank of Lecturer with effect from 1st April, 2016.
- g) Prof. Kyei was promoted to the rank of Senior Lecturer with effect from 1st February 2018, exactly two years after his elevation to the rank of Lecturer.

h) Prof. Kyei was again promoted to the rank of Associate Professor effective 1st February, 2021 through the accelerated mode according to documents available to Convocation.

The findings from Prof. Kyei's case are as follows:

- i. If the progression was reckoned from Assistant Lecturer rank, it means Dr Kyei has progressed from that rank (Assistant Lecturer) to Associate Professor in approximately five (5) years instead of the minimum of eight (8) taking into consideration his accelerated promotion to the rank of Associate Professor.
- ii. If the progression is reckoned from Lecturer, Prof. Kyei did not meet the minimum requirement of four years to warrant the promotion to the rank of Senior Lecturer.
- iii. Prof. Kyei's upgrade to the rank of Lecturer predicated the award of his PhD certificate.

Notwithstanding, convocation request answers to the following questions:

- i. Did Prof. Kyei benefit from the accelerated promotion twice?
- ii. How many papers did he submit for his application for the promotion to the rank of Senior Lecturer?
- iii. What is the required number of papers for promotion from the rank of Lecturer to Senior Lecturer?
- iv. Did the Appointments and Promotions Board and Council take the pain to scrutinize the document or was it a deliberate attempt to favour the applicants?
- v. Can it be concluded that the Directorate of Human Resource failed in discharge of its duty? Convocation needs answers.

B. Undue Delays, Abuse of Process and Unfair Treatment in Relation to Promotion of Some Senior Members

1. Dr. Kofi Adeladza Amegah

- a) Dr. Amegah applied for accelerated promotion to the rank of Associate Professor on 6th of July 2020.

- small
- b) The then Dean of the School of Allied Health Sciences, Prof. Emmanuel Abu, constituted a Special Appointments and Promotions Committee to consider his application. On 21st July 2020, this Special A&P Committee wrote to Dr. Amegah to inform him that his application could not be approved because his career profile rendered him ineligible to apply. Dr. Amegah contested this decision and asked the Dean to forward his application to the College which he duly obliged.
- c) The Appointments and Promotions Committee of the College of Health and Allied Sciences returned Dr. Amegah's application document to him with a letter dated 24th September 2020 indicating that he had not served the required number of years to be eligible for accelerated promotion to that rank. The Committee's decision was reached after the then Acting Provost, Prof. Emmanuel Abu, had written to DHR for interpretation on Dr. Amegah's previous application.
- d) Dr Amegah, not satisfied with the decision, petitioned the Chairman of A&P on 13th January, 2021 but did not receive any feedback from the Vice-Chancellor. Later on 2nd December, 2021 (almost twelve months after the petition), the applicant sent a reminder to the Chairman of the Appointments and Promotions Board requesting to know the outcome of his petition.
- e) While awaiting the petition's outcome, the applicant was due for regular promotion on 1st August 2021 and applied on 12th August 2021.
- f) However, the applicant was invited by two members of the Appointment and Promotions Board, Prof. J. N. Buah and Prof. Francis E. Amuquandoh, to advise him to withdraw the petition to pave the way for his regular application to be assessed. According to them, it was the wish of the Vice-Chancellor.
- g) Whilst the applicant was considering this advice by the two members of A&P Board, he was copied in a letter dated 6th December, 2021 written by the Provost of CoHAS to the Director of Human Resource withdrawing his regular application with the reason being that he is not prepared to let sleeping dogs lie with his petition.
- h) On 9th December 2021, DHR, wrote to the Provost returning Dr. Amegah's regular application document to the College. The applicant received the letter after the Christmas break even though the letter was dated 9th December 2021.

- i) Dr. Amegah withdrew the petition on 12th January 2022 on the advice of Professors Buah and Amanquandoh as directed by the Vice-Chancellor.
- j) On 27th January 2022, the Vice-Chancellor responded to Dr. Amegah's letter withdrawing the petition, indicating that a decision had already been taken on the application before his withdrawal letter was received. However, no such decision had been communicated to Dr Amegah.
- k) On the same 27th January 2022, the Vice-Chancellor communicated the Appointments and Promotions Board's decision on his petition submitted on 13th January, 2021 as follows: -
 - i. The application from Assistant Lecturer to Senior Lecturer was not due for regular promotion (sic) since you assumed duty as Assistant Lecturer on 12th June, 2012 and applied for promotion on 13th March, 2017.
 - ii. You were on full-time studies for two years and three months. This implies that you did two years and nine months as actual years of service out of six (6) years needed for regular promotion from Assistant Lecturer to Senior Lecturer.
 - iii. Since you served for two years, nine months, your promotion to the rank of Senior Lecturer could not have been a regular mode (sic), but accelerated mode.
 - iv. The Board did not withdraw the promotion or give post dated promotion since that would have meant change in effective date of promotion which will imply a refund of all salaries paid to you before the effective date of promotion to Senior Lecturer.
 - b. Prior to receipt of the letter dated 27th January 2022, Dr Amegah had been invited into a meeting with his Dean and HoD to have a discussion on his returned application. At the meeting, he was advised by the Dean to reapply without any letter to that effect from the A&P Board.

Convocation, therefore, requests answers to the following question concerning Dr Amegah's promotion:

- i. How different is Dr. Amegah's accelerated promotion case from that of Prof Kyei?
- ii. Is there anywhere in any minutes of A & P that Dr Amegah had accessed accelerated promotion before this time?
- iii. Why did it take the Appointments and Promotions Board twelve months to respond to the petition seeking clarification of the status of the previous promotions (whether regular or accelerated)?
- iv. Does the Provost of the College have the right to order the withdrawal of Dr.

Amegah's regular application on the flimsy grounds that he was not prepared to let sleeping dogs lie with his petition?

- v. Did the Provost consult members of the College A&P Committee before writing to withdraw Dr. Amegah's application?
- vi. *Based on the Provost's reason given for withdrawing his petition, is Dr Amegah not being punished for holding onto a petition he believes in and for which the A&P board has a statutory responsibility to determine?*
- vii. What caused the over 1-month lag between the date DHR letter was written and when Dr Amegah received his copy? Was it a matter of someone in authority asking DHR to backdate the letter returning of his documents?
- viii. Was it an A&P Board decision to return Dr. Amegah's regular promotion documents to him?

C. Wrongful and Capricious Interpretation and Illegal Application of a Committee's Recommendation to Override the University's Statutes and Promotion Criteria

- i. In 2016, some persons were appointed to the ranks of Lecturer and Senior Lecturers at the fledgling School of Medical Sciences in accordance with the 2012 Statutes of the University. Some of the persons appointed as Lecturers were later upgraded to the rank of Senior Lecturer.
- ii. In their appointment letters, no special criteria other than the promotion criteria would be applied to their next promotion. It was thus understood that promotion from the rank of Senior Lecturer to Associate Professor would require submission of seven papers, while promotion from Lecturer to Senior Lecturer would require submission of five refereed papers for assessment as was the normal requirements.
- iii. Later in the same year, UTAG in a letter dated 5th May 2016, raised concerns that the appointments and upgrade were in breach of the Statutes of the University, particularly because the appointees:-
- iv. did not possess PhD in the relevant field;
- v. did not have the required years of teaching and research experience; and
- vi. did not have the required number of refereed publications.
- vii. The issue of assessment of the papers considered in the appointments and upgrade was not one of the issues raised by UTAG.
- viii. Council set up a Committee to look into the issue. The Committee concluded that all the appointments were meritorious and in accordance with the Statutes at the time (2012 Statutes) of the University. Some of the appointees indeed possessed PhD, had the required teaching/research experience and had the necessary number of refereed publications. Those who did not have the required number of papers were deemed to have been appointed under the Exceptional Case Clause in Schedule D of the Statutes.
- ix. The Ad Hoc Committee went on to recommend, among others, that "the

Clinicians who were upgraded to the rank of Senior Lecturer should obtain the required minimum of twelve (12) refereed papers before promotion to the next rank of Associate Professor. Those who do not possess terminal qualifications (Fellowships) should be encouraged to do so".

- x. Council adopted the recommendation for implementation but how it was to be enforced was never communicated to the affected members. Convocation learnt that the Appointments and Promotions Board, on the insistence of the Vice-Chancellor, sought the assistance of the Governing Council for interpretation of the above recommendation. The letter from the Appointments and Promotions Board requesting the assistance of Council in interpreting recommendation 6.1.1. of the 2016 Ad hoc Committee was clear that the implementation of the contentious recommendation presented implementation challenges. The Board therefore sought Council's interpretation "to facilitate the work of the Board in considering promotion applications from the category of staff mentioned in the Report".
- xi. That meant that the Board was expected to apply the interpretation to pending applications of any of the Clinicians listed in the Report of the 2016 Committee. Council constituted a Committee to do the interpretation.
- xii. It has come to our notice that the Committee's interpretation, which was adopted by Council, has been forwarded to the Provost of CoHAS, instead of applying it to the pending applications alluded to.

Convocation therefore, seeks answers to the following questions:-

- i. How has the interpretation of the recommendation been applied to promotion applications before the Appointments and Promotions Board cited in the Memorandum which led to the setting up of the Interpretation Committee?
- ii. How has the interpretation of the contentious recommendation addressed the so-called implementation challenges encountered by the Appointments and Promotions Committee?
- iii. Has the Vice-Chancellor written to the affected person on the status of their promotions in light of the interpretation of the recommendation in question?
- iv. Is the Provost of CoHAS aware, as a matter of fact, of the persons whose applications are affected by the interpretation and in any event, is it proper and right for the Provost to apply the interpretation to applications before the Appointments and Promotions Board?
- v. Has the Appointments and Promotions Board applied the recommendations of the 2016 Ad Hoc Committee on any person and communicated the same to any person?
- vi. Can the Clinicians whose promotion applications are affected by the interpretation add on to the papers already submitted to be assessed in which

case the date of first application will determine the effective date of the promotion?

It is hereby requested that, without any satisfactory answers to the above questions, the promotion applications of the affected Clinicians should be brought to Council for consideration in light of the interpretation of the recommendation. This is because it appears that the Appointments and Promotions Board has shown that it is incapable of taking a decision based on the earlier Committees' report or the interpretation by recent Council Committee's interpretation.

D. Undue Delays in Processing of Promotion Papers

- i. The University has always been concerned about undue delays in processing of promotion papers.
- ii. To address the issues, the Criteria for the Appointments and Promotions have been designed and amended in course of time to address the problem considering the impact of such delays on staff morale.
- iii. For instance in the current Criteria for Appointments and Promotions, duration for internal assessment shall not exceed two weeks of receipt of the application by the Head of Department or Dean or Provost: part 7.4. Furthermore, the duration for consideration and submission of a promotion application to the Dean by the Head of Department shall not exceed two weeks; any delay should be explained in writing to the Dean. Similarly, the duration for consideration of submission of the application to the Provost shall not exceed three weeks after consideration by the Faculty/School.
- iv. Finally, and most importantly, the duration for consideration by the Appointments and Promotions Board and submission to external assessors shall not exceed one month. In order that the applicant is updated periodically on the state of the application, the Provost is required to provide formal communication within every two (2) months on the status of applications to applicants.
- v. Apart from the timelines spelt out in the Criteria for Appointments and Promotions to deal with the delays, the Criteria has provided that applications that are not processed (received by external assessors) shall be reconsidered by the Provost.
- vi. Despite these provisions in the Criteria to ensure speedy consideration of promotion applications, there are instances of unreasonable delays that appear intentional and borne out of vindictiveness.
- vii. This has demoralized those affected and resulted in the University losing some experienced Faculty Members to other sister Universities in the country. The others are contemplating leaving the University.
- viii. One such person is Dr. Samuel Essien-Baidoo. The facts of the case are as follows. Dr Essien-Baidoo applied for promotion to the rank of Associate Professor in 2019

through the regular mode. However, he did not receive any official communication on the application until 11th February 2021; three clear years after submission of the application. In that correspondence he was only informed that one assessor had submitted his assessment report. It is baffling if not strange that it would take two years for external assessors to submit their report.

ix. It is thus imperative to know, and demand written evidence of submission of the papers (e.g email) that the applications were sent out for assessment and copies of follow-ups done on such applications. Convocation can only deduce that the delay is deliberate. If we do not see evidence of correspondence to that effect.

10. The following questions arise to be answered?

- i. What is the justification for the undue delay in processing Dr. Essien-Baidoo's application?
- ii. What is the evidence that the documents were sent out to external assessors within the time limit set out in the Criteria for the Appointments and Promotions Committee?
- iii. What prevented the Provost and the Directorate of Human Resources from officially updating the applicant on the application status before the first 12th May, 2021.
- iv. What prevented the Vice-Chancellor from sending the papers to fresh assessors if the old ones were delayed unduly?

The delays amount to a clear breach of the letter and the spirit of the Criteria for Appointments and Promotions without any reasonable justification. Furthermore, Dr. Essien-Baidoo is demoralized and indicated his intention to exit the University, especially as applications of his juniors have been fast-tracked and promoted ahead of him. This confirms our earlier suspicion that the delay is deliberate to favour some people so they can occupy administrative positions or due to certain reasons Convocation might know.

E. Concerns on Appointment to Positions

- i. The 2016 Statutes of UCC provide for the Appointment of Dean for the Centre for International Education, now called the Office of International Relations. For the avoidance of doubt, statute 26.2 reads, "*There shall be a Dean of the Centre for International Education to be known as the Dean of International Education, who shall be of Professorial rank and appointed by the Vice-Chancellor on behalf of Council.*"
- ii. There is no express provision for the Appointment of a Vice-Dean of International Relations. It is to be noted that provision has been made under statutes 19.8 - 19.11, which clearly applies to Vice-Deans of Faculty/School, as the whole of Statutes 19 is on Faculties and Schools.

iii. Recently the Vice-Chancellor appointed a Vice-Dean of the Office of International Relations on behalf of the Council without recourse to any criteria or process. It is to be noted that the Vice-Chancellor's discretion in appointment is unfettered and does not extend to such appointments as prescribed by the University Statutes.

iv. The Academic Board has not approved the creation of such a position.

v. Be as it may, the said unwarranted appointment was also done without consideration for seniority and experience. Given that the Dean must be of a Professorial rank, it is prudent that even if the Vice-Chancellor wanted to ignore the Statutes, he could have fallen on one of the numerous professors in the University for Appointment to the position of a Vice-Dean as clearly stated in the Statute.

Conclusions/Reliefs

i. A declaration that the promotion of a senior member, as aforesaid hereinafter, to the rank of Associate Professor is in breach of the Criteria for Appointment and Promotion of Senior Member of the University.

ii. The undue delays in the processing of promotion documents of some Senior Members, to the rank of Associate Professor is unfair, tantamount to abuse of process and offensive to the spirit and letter of the Criteria for Appointment and Promotion of Senior Members.

iii. All stalled promotion applications including that of Dr. Samuel Essien-Baidoo, Dr. Adeladza Kofi Amegah, Dr. Patrick Kafui Akakpo and Dr. Harold Aryeetey should be expedited.

iv. The application of the recommendations in Report of the 2016 Ad Hoc Committee on UTAG Grievances to any pending application in a manner that overrides the Statutes and Criteria for the appointment and promotion of Senior Members should cease forthwith.

v. The Vice-Chancellor should explain the cause of the undue delay in promotion of some Convocation Members.

vi. The appointment of a Senior Lecturer as the Vice-Dean of the Centre for International Education was unlawful and discriminatory and tantamount to abuse of process.

vii. The University should set up a committee to draw up a policy document for appointing and creating of offices that is not addressed by the statute.

viii. This report, sensitive as it may be, Convocation is very resolute in demanding all the answers as requested and further state that the Vice Chancellor and his Management Team should as a matter of importance and urgency, deal with all the issues raised and

any other(s) which has not come to the attention of Convocation appropriately and convincingly to engender good corporate governance and transparency in the management and administration of the University of Cape Coast.

APPENDIX B

Report of the special Committee of Board of Convocation: Promotional issues and its related developments

Introduction

- The impetus to form this Committee came from a groundswell of complaints regarding promotions, appointments and interpretation of the University's policies.
- Based on documents in our possession, the College of Health and Allied Sciences seems to be suffering from promotion-related issues; therefore, most of the lecturers, especially the clinicians, do satisfy their core mandate but are not putting in their maximum effort to continue to enhance teaching and especially research, and also perform their affiliate duties at the teaching hospitals as it used to be.
- Also, scholars who have contributed to UCC's current ranking and grooming the medical school to be number one in Ghana, their promotions are treated with disdain.
- Intelligence picked indicates that promotions delays are creating some tension in the University and disaffection because there is undue advantage given to others.
- Additionally, this University's appointment is based on seniority and experience, but this practice has not been adhered to.
- Application for promotion criteria is applied selectively.
- Members believe there is much misinterpretation of statutes and policies by management and boards.
- There are communication lapses in promotion/appointment decisions

Committee Members

- To bring clarity to issues a 4 –member committee was constituted to investigate and seek clarifications from management and council regarding these anomalies.
- The 4 – member committee comprises:
 - Prof Kofi Nyarko – Chair
 - Dr Vincent Assanful – Member
 - Mr Isaac Eliot Nyieku – Member
 - Dr Irene Kafui Vorsah Amponsah – Member/Secretary

Consultation

The Committee aside the intercepted documents that was brought to their attention, they also interacted with some convocation members and Management as listed below:

Staff

- Registrar, University of Cape Coast
- Provost, College of Health and Allied Sciences
- Dean, Vice Dean and Faculty Officer – Medical School#

Convocation Members

Documents

- UCC statutes – 2012 and vol 59, No.3
- Prof Yankson's special committee report
- Documents chanced on see attachment

Findings

The Committee after its interactions with Convocation Members and Management of Schools, Colleges and the University, a common trend runs through their narratives. Though not exhaustive, below are the issue found out by the Committee:

- Delays in the processing of promotional documents at both the College and the Department, thereby affecting their arrears and pensions or superannuation.
- There are challenges relating to external assessment of their promotional documents:
 - The time it takes to receive an update on assessment outcome is too long (some colleagues have outstanding issues over 3-5 years)
 - Clarity of assessment results of assessment communicated; an example is "Two reports received to submit two new assessors" even though they have re-submitted the names of assessors countless times
 - Delay and clarity on some decisions taken on the promotion of some colleagues at A&P
- That issues revolving around fellowship and the acquisition of terminal degrees before colleagues are considered for promotion to a higher rank pose a demotivation to colleagues who have contributed immensely to the University's achievements
- Management is not clear or at variance between being appointed to a rank as being satisfying the first stage of meeting the criteria for the subsequent promotion. Communication regarding promotion outcomes delay unnecessarily. For instance, meeting of council to interpret issues several month ago 10/2/22 but the communication was received by the colleges the 14/4/22. More also a letter written on the 21/3/22 researched the College on the 14/4/22.
- Promotions been withheld base on the base on the interpretation of Yankson's Committee Report by a Council subcommittee.
- Some colleagues do not cooperate when asked to effect changes on their documents as suggested by either the Departmental, faculty or College Appointments and promotion Committee.
- The Committee noted that there are some difficulties in getting a response from possible assessors (abroad) especially those related to the professorial rank.
- Management and Board Members have some level of difficulties in understanding the report due to their scantiness, but one may ask what instruction did the Human Resources give to the assessors, hence the applicant should not be punished unduly.

- Issues of wrong appointments to positions while experienced senior members in the field are not considered. For instance the appointment of Prof Abu to replace Dr. Paul Nyagome as the Science coordinator in CODE while his time was not up.
- Statutes or Appointment and Promotion documents are not clear on revised/new editions of books.
- Selective application of promotion criteria, while others are given an undue advantage over others.
- The policy on the use of the same data to publish different papers is vague and at the discretion of the Head, hence other promotions have been delayed unduly.
- Interpretation of the statute, Appointment and Promotional rules has been a bone of contention. with management and council having different interpretations.

Conclusions

The Committee in their interaction, have found out that most staff feel aggrieved because of delays in processing their promotion applications and it appears it is likely to degenerate. More also, it appears, management has not factored in the welfare of convocation members in their deliberations. Management should realize that it is very important to create an enabling environment for convocation members to work in peace and tranquility that will, in the long run have a positive impact on the vision of the University..

The treatment of the medical school in relation to promotion is contributing to the decline in its performance contrary to being the best some five years ago and likely to see the exodus of lecturers to other sister universities. Also, convocation members who have immensely contributed to the University being ranked as the best in Ghana and West Africa are likely to be demoralised, hence the next ranking is likely to suffer.

Recommendations

- The Committee requests that the VC and management address the above issues at Convocation from the findings.
- The University Statutes and policies should not be selectively applied. As it seems to be, adhered to in principle regarding its terms and reference of promoting staff within each college/school/unit.
- Convocation members that are highly cited and with special grants should not be punished with occurrences from the past but their progression should be clearly and properly communicated to them for future reference.
- An assessment template should be designed and made available to external examiners to guide them in providing an in-depth assessment report.
- HR/Colleges should exhaust the list of 5 examiners provided before asking Heads of Department to provide fresh examiners.
- The Examiners reports should be made available to unsuccessful applicants always. This will foster transparency and accountability and also give the applicant a sense of trust.

- Officers (Head/Deans/Provost/management) must eliminate favoritism or bias (personal/ethical/political/etc.) in processing of application of convocation members.
- Offices biases.
- The A & P Board/management must do their best to communicate their decisions to applicants within a maximum of 2 weeks
- Management should put in place better measures to avoid delays in processing promotion documents as much as possible
- Rivised/new edition of books and/or papers must be reexamined carefully to ascertain that the contents are entirely different before accept to be part of the promotion package.

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