

A Case Report on an Estimation of Financial Damage Occurring at A Rural University, South Africa

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Abstract

Background: Universities are power houses that generate new knowledge by carrying out research all over the world. Professors are promoted, appreciated and awarded as the academics who conduct research at universities. This did not happen in the case of Mr BM, who was humiliated and punished for his research activity.

Case History: Mr BM was excited by the prospect of carrying out research when he joined the university in 1996. He used his time and money in research and trying to find a gap in the lack of knowledge that he could close through his work. He was quite on his own in his department without even a secretary yet managed to find time for research either after hours or during holidays. Between 2001 and 2018, he published more than 100 articles in around 25 different peer-reviewed journals. Mr BM boosted the good name of the university, but in exchange for it, he received three disciplinary enquiries, two suspensions and a forensic audit. All were intended to discredit him and to stop his research activity. The most painful was to cause him financial loss by decreasing his monthly salary. The history of damage and its results are discussed in this report.

Conclusion: Heavy financial loss was caused by the persistent disciplinary enquiries at the university. The extent could only be estimated by an actuarial consultant. The Ministry of Higher Education must take note of it.

Keywords: *research, promotion, financial loss, actuarial*

Introduction

The university's higher management constantly wants to know why this university ranks so low on the list of institutions producing research publications in South Africa. The usual answer they give is lack of funds. There is a vicious cycle relating to funding at the university. The more research one does, the more funds are available, and when more funds become available, there is a demand for more research projects to be carried out. Research publications bring money into university, which constitutes third-stream funding generates in universities in South Africa. There are universities in South Africa that generate a lot of funds through research publications. Publications are not only about money; it improves the good name of a university and improves its rating in the world.

The main problem in the faculty of rural University was that the position of faculty head was filled non-academic candidate. He was not a regular researcher yet have enormous power. This power was abused to humiliate and punish people in the faculty, as in the case of Mr BM. If the researcher did not include the name of a person in authority in publications, such people used their power to punish. Generally, it remained limited to small matters such as not being allowed to go on leave or not approving applications for promotion, etc. In the case of Mr BM, when they found that these small humiliations did not affect the work he was doing, so they designed some more rigorous methods. Most foreign staff accepts what those in powers tell them. These foreigners do not ask how and why things happen. This is the reason for the recruitment of foreigners in the faculty, as they do not ask any questions and are always ready to agree with those in authority. The culture of

employing foreigners has been also picked up by the recently appointed head of institution. He is comfortable with these foreigners, who have few choices, as they are not employable in other places, and they must survive. It is thus a win-win situation. The case of Mr BM is not the same. He did not wish to give them any co-authorship as a gift, and that led to numerous hurdles in his work. This is a culture at the university, if you work hard, you must face the problems. This kind of practice is common in some countries, historically English countries, where people have a concept of big and small men, and a small man does not ask any questions from a big man. Mr BM was humiliated long before his rigorous punishment in the form of disciplinary enquiries and suspension, but he simply accepted it. Mr BM never thought that a university where one works hard would dislike one.

Mr BM was determined that the truth must prevail. A research director recognised his work and encourages him to carry on at the same speed. Mr BM worked under three faculty head. These faculty head had one adviser. The first faculty head was very clever. He was appointed for three years but continued working as faculty head for almost 12 years by his convincing nature. The second faculty head took a power and had one adviser whom he later appointed as second in command expected a gift authorship, which was unethical. Secondly, they were confronted by the higher management when the issue of research was discussed. They could not explain why they could not produce research publications. This question led to trouble for Mr BM, and they wanted to eliminate him, so that this question would not be asked.

At the University this was practised in the 1990s. What happened at University was like what is currently happening at ESKOM in South Africa. ESKOM deals with power, and problems are visible, but universities' corruption can be hidden easily, as it is not an emergency. Mr BM was investigated forensically, but no report has submitted even after his retirement. The investigator took Mr BM's personal file from HR; that file was reported as lost by HR. Recently, the head of institution conducted an audit of the faculty, but the results were not made public.

Results

Mr BM received head of institution awards. In 2004, he was not allowed to apply for the reward. Then in

2006, the process started again, and BM was nominated to receive the award. On the day when the award was to be handed over to Mr BM, it was stopped, and a prepared cheque of R10 000 was cancelled; this was conceded by the head of institution himself in his reply to a dispute resolution letter in 2015. Mr BM received no cash payment in his personal research account after it had been prepared by the research office. The deputy head of institution research himself got the cash refund himself but did not pass this on to Mr BM. Personal research funds are supposed to be paid in cash on retirement and BM received an amount, but much less than what it should have been. His personal research account was tampered with by the research or finance department and fraudulently claimed. Mr BM wrote about six dozen letters to the research office, and head of institution, but not solution was reached. Mr. BM research account was also frozen and had not allowed me to utilize it. Prepared documents of conference attendance claims were rejected not paid after delays or even lost.

Discussion

When things deteriorated, the Council of Higher Education sent an assessor to investigate and submit report.¹ An assessor was appointed, and he submitted a report, but nobody implemented his recommendations.¹ He clearly mentioned that this university functioned like Afghanistan. There was failure of multiple organ systems. He paid attention to HR, but nothing changed. The independent assessor's effort went to waste; there should be no need to carry out such a time-consuming exercise if its recommendations are not to be implemented.

It is said that in Africa, people consider their stomachs first. They do not look at the country or their institutions. If things do not come into their account, they are not interested. This proved true in the case of Mr BM. In a ground-breaking judgment, the Constitutional Court pointed out that such an employee needs greater protection, as he is vulnerable to exploitation.² The Department of Education subsidises articles published in recognised journals through funds being paid into the accounts of universities. It is quite a significant amount and is an incentive to researchers to motivate them to carry out more research leading to publications. Of the amount received from the DoE, 60% goes to the researcher and

40% is divided among the research office (15%), head of institution office (10%) and the department (15%). This is according to the policy on research at the university. Mr BM brought millions of rand into the university funds between 2000 and 2018. Mr BM received hardly any funds from outside sources. The research office did not allow him to use the funds he had generated himself. Mr BM's research publications comprised almost 50% of the total number of publications of the faculty and about 25% of the whole university, according to the CHE report of 2011.¹

There was an allegation of plagiarism against BM in 2008, and an enquiry was conducted by a top labour law practitioner. He found Mr BM not guilty. When Mr BM wrote a letter to the registrar of the university regarding revocation of the degree of the party involved, no action was taken. BM was not guilty, then the opposite party to be guilty, and his degree had to be revoked. There is a need of such blow to university so that they will not exploit like Mr BM. The federation congratulated its affiliate, NUMSA, on the successful conclusion of its long court battle against labour brokers.³

Similarly, in second DC, Mr BM, one of his articles was published by mistake in two different journals with a gap of two years. He was suspended and disciplinary enquiry started against him. The charges were less serious than first one, but the punishment was much severe than first one. When Mr BM has produced proof of two professors in his faculty who were also duplicated their article in two different journals, and they were also supposed to be suspended and DC must be carried out, but the faculty head is refused to do so. This kind of double standard showed that how malicious this faculty to Mr. BM.

Professional jealousy is understandable, but the level of punishment through a decrease in salary, multiple disciplinary enquires, and the intention to de-motivate Mr BM to the point where he would stop his research publications is not. However, MR BM persevered and kept working despite multiple problems created by the faculty and university with the help of union. Mr BM could have multiplied his publications, as he had enough experience, but was unfortunately limited by the DCs' and suspension. A meeting was held with the head of research in his office, and a full list of grievances was

submitted, but nothing happened. Mr BM wrote several letters to head of institution but got not result. One email sent by head of institution in reply to Mr. BM as follows:

I request you to audit all the funds as long as you can go back. These funds are generated by me through research publications. These are two accounts. 1. Personal research publications account and 2. Department research publications account.

I am not getting any information, and nobody prepare to help me. It looks like that someone is dosing with bad intention. Attached herewith some examples or copy was issued by research office, but these are not only one. Every year (2001 to till date), I received money from DoE through research publications. Please take audit it from 2001 if possible.

I am concerned about the email below. Ms M reports to me and no staff member has the power to request her to institute audits. And in any event, this request is not reasonable.

Please refrain from this kind of thing in future.

Mr BM requested an audit of personal research funds because of the previous statement provided to him by the finance office was very problematic, as personal research money was not supposed to be used without his signature, and this statement showed that funds were being used by someone without his knowledge. This request to audit his funds was ignored by the head of institution. The process of getting refunds was very complicated that had already been spent in attending conferences. It became a project that could take from a month to a year to get a refund. It would start from a junior clerk in the research office, and then go to a senior clerk, before at last going to the director of research for a signature. The distance between two clerks is only a few metres but it would take a week to pass on the document. For Mr BM to write an article and publish it in a journal was much easier than to get a claim processed by the research directorate at the university.

It is difficult, but not impossible, to estimate the total loss in research funds owed to BM; only an actuarial assessment can determine it.

1. It involves a loss in cash through not getting research award money and cash payments from the

personal research account.

2. Mr BM was working on his own and should have been allowed to use the departmental research funds, but he was prevented from doing this and attempts were made to divert the funds.

3. Though Mr BM reported failure to pay and delays in payment, there was no change in the practice of payment.

4. Loss of productivity resulted from Mr BM not being allowed to enter the forensic pathology laboratory, and not being permitted to enter the university during suspension periods. Disciplinary enquiries are themselves problematic and take a lot of time (2008 to 2018) which Mr BM could have used in writing.

5. Articles that had been accepted were subsequently declined as a result of disciplinary enquiries.

Mr BM faced difficulty at all levels. It started with him not being allowed to work in the forensic pathology laboratory. If he published articles, then these were not submitted to the DoE for subsidy. The funds received from the DoE were also difficult to get. The OSD scale has given to all doctors who registered in health professions council and working in public sector.⁴ This was not applicable to Mr. BM.

Conclusion

Direct financial loss could be calculated by an accountant, but the loss in the form of pain and suffering caused by persistent disciplinary enquiries could only be assessed and estimated with the help of an actuarial consultant. This concerns not only the issue of money, but also the culture of functioning of this university administration. The heads of institution of this university has displayed complete amnesia, tolerance and a blind

eye to ongoing corruption. The assessor's report, issued in 2011, which made some recommendations, was put on the back burner. The heads of institution keeps changing like visitors, without showing any real interest in the improvement of the university.

Ethical Issue: Proper care was taken in this manuscript, as not to disclose directly to any institution or an individual, but if is knowingly or unknowingly someone find it out then it is not author intention. It is failure of system in rural university, and that led to victimization of Mr. BM. The author would like to high light this system failure in this report, not an individual or institution.

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