

**ADJUNCT LECTURERS WORKING “PRO-BONO”: A GRAND UNETHICAL INJUSTICE FOR TEACHERS AND STUDENTS IN KENYAN UNIVERSITIES**

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**Abstract:** The overall objective of this study was to generally examine the over-delayed payment of dues to adjunct lecturers in almost all universities in Kenya, in most cases public but also in private ones. Over-delayed payment of these key service providers' dues is the first and most common on the list of complaints lodged with Kenya's Universities Academic Staff Union (UASU) by Adjunct or non-tenure instructors popularly known in Kenya as part-time lecturers.

Some of these delayed payments date back to as far back as 2013 where both union's members and even non-members, who teach part-time classes at their universities and take up more hours in other universities have not been paid for donkey years.

**Keywords:** Ethics, Justice, Adjunct Lecturer; Part-time Instructors, Human rights

### Introduction

Paying suppliers, whether of goods or services, late is an ethical issue that does not receive as much attention and media coverage as petty theft or even phone hacking, and yet it is a scam that affects the lives of many. Late payments, for no valid or legitimate reason, are unethical. They are an abuse of "power" and in essence bullying behaviour by those public servants who call official shots in any institution. Small businesses are reluctant to use legislation, or they agree to punishingly long payment terms, for fear of losing contracts with bigger businesses on which they are often reliant. The ethical principle underlying any contract is trust. And trust comes from fairness, honesty and mutual benefit. A reputation for trustworthiness can provide sustainable competitive advantage – it enables the organisation to attract and retain top talent and establish effective business partnerships and a loyal customer base (Back, 2013; Aineah, 2018).

But when the customer abuses a contract by late paying of invoices or changing payment terms, trust is quickly broken (Back, 2013). In reality, suppliers, especially SMEs, are rarely in a position to challenge their customers for fear of damaging the business relationship (Dawson Consulting, 2019). Small businesses are often unable to walk away and look for another customer, especially if an existing one owes them significant money; and charging interest on the outstanding balance rarely works. Customers are paying their suppliers late to ease their own cash flow problems, pushing the financial risks onto their suppliers, which is unfair and an abuse of trust. There is a natural tension between a customer and a supplier which can result in the emergence of innovative solutions and mutual benefits. Far better for customers and suppliers to work together, to share the risk, to be truthful and honourable in their undertakings (Paine, 1994).

Paying suppliers late reflects the leadership and prevailing culture in a University or any organization. When it comes to business ethics, many academic institutions focus on employees potentially doing "bad" things – fraud,

bribery, corruption. When in reality, it is the seemingly little things which show the true essence of a university's culture. Strategic decisions such as changing contractual terms, not paying on time, "losing invoices" or not passing invoices for payment or actioning requests for purchase orders, may seem to be "victimless crimes". But during the 2008 recession it is estimated that 4,000 businesses failed as a direct result of late payments. The decision to not pay promptly begins at company board level where the strategy is set, and ripples throughout an organisation until it reaches the accounts staff who press the payment button. A culture of late payments is an example of how rotten corporate ethics can erode company culture from the inside. Because if suppliers are not treated with respect, then other stakeholders – customers, employees, investors, society at large – are not likely to be either (Back, 2013)

Any organisation and a university in particular with an ethical approach to business practice will consider prompt payment of key suppliers as an essential element of doing business ethically (Aschendbrand, Proctor & Trebilcock, 2018). To do so shows respect for the supplier relationship and is an example of the company's fairness. Business ethics is not rocket science: it can be summed up simply as "being nice to one another". In today's world, it is easy to become detached from the lives we are connected to by the click of a button. Suppliers are not a number – that company has a name, with livelihoods attached to it. Late payments are not a victimless crime, but they are a preventable one.

### **Status of Part-time Lecturers in Kenya: How to Reverse the Practice**

More and more Kenyan universities are using part-time lecturers rather than employing full-time faculty members (Munene, 2016). Munene (2016) goes on to say that in the US, forexample, nearly 50% of university teachers are not on full time tenure track, of which only 35% would like to become full-time lecturers. In Latin America, Part-time lecturers make up 80% of teaching force. Brazil on the other hand is the only exception to the rule in this region. In Kenya, more than 50% of the country's public university lecturers are engaged in part-time teaching. A good number of whom are at various stages of their PhD programs in local universities. Without payment for work done, they cannot buy materials and pay fees for their program which in turn affects the production of PhDs the country so badly needs (Wasamba, 2019).

In an effort to reverse engagement of adjunct lecturers so that it is in line with the global trend, the Commission for Universities Education (CUE), through The Universities Standards and Guidelines, 2014, authorized universities to have 2:1 ratio of full-time to part-time academic staff per program. That was later followed by the Kenya's Cabinet Secretary for Education announcement that part-time lecturers would be phased out at the country's Universities by 2018 (Munene, 2016; Njenga, 2016; Wanzala, 2016). Though the phase out was an attempt by Kenyan authorities to improve the quality of university education, care must be taken by both the government and universities not to throw the proverbial baby out with the bathwater. Some adjunct academics bring in vast experience and their skills must not be lost (Munene, 2016)

### **Saving Money At the Expense of Quality Education**

The emergence of part-time university lecturers in Kenya can be traced back to the early 1990s. This is when private universities were first authorized to operate. The government agreed that, to cushion these newcomers against financial problems, only 50% of their teaching staff needed to be full-time employees. Many of their temporary staff were drawn from public universities. Then, in the late 1990s, public Universities started to expand rapidly (Hughes & Mwiria, 1990). More students were admitted, and the numbers rose from around 21,846 two decades ago to more than 440,000 currently (Gudo, Olel & Oanda, 2011).. Many public institutions opened branch campuses that were often staffed by adjunct lecturers. Currently nearly half of Kenya's public University lecturers are engaged in part-time teaching (Munene, 2016).

The quality of education in African Universities has been steadily declining in the face of financial instability that is having an impact on the employment prospects of graduates (Zezeza, 2020). Since early 1990s, the government adopted a new market-based policy of financing public universities commonly referred to as cost sharing (Republic of Kenya, 1999b). Under the program, the government stopped paying full tuition fees and those unable to pay fees were allowed a government loan facility through the Higher Education Loans Board (HELB). This funding crunch has negatively affected the quality of education as manifested in poorly trained academic staff, inadequate libraries, overcrowded classrooms – there are sometimes as many as 400 students in a single class – and low-quality graduates.

According to Zeleza (2020), the proportion of tenure-track faculty tremendously declined while that of adjunct faculty continued to rise. As the number of adjunct lecturers increased, their remuneration and working conditions remained abysmal. They are not paid full salaries and have no other benefits that can accrue to them. Universities employ them as a way of accessing cheap labor in order to make some savings. They are often hired by the hour, not given institutional support, and tend not to participate in departmental affairs, all of which deprive students of robust faculty engagement. It also undermines all faculty by threatening the integrity of faculty work, limiting the distribution of faculty service responsibilities, creating hierarchies among faculty, and eroding academic freedom, which vulnerable adjunct faculty members are hardly in a position to engage.

Most of these adjunct lecturers, have engagements in several institutions so that they can make just enough for their survival (Okhato & Wanyoike, 2015). They are so thinly spread between institutions such that they cannot possibly be effective in their teaching. There are also those who think adjunct lecturers have questionable qualifications Olatuji (2013) as cited by Wambui, Ngari & Waititu (2016). Typically, assuming one teaches at least three courses every quarter, a part-time lecturer at a public university in Kenya would earn on average US \$360 a month (fixusjobs, 2016). According to Wagoner (2019), faculty members with prior full-time teaching experience have much to offer to Universities as they tend not to be taking on many piecemeal part-time appointments, and so are not thinly spreads or rushing from campus to campus.

### Possible Solutions

The government's move to phase out part-time lecturers was announced early in September 2016 (Wanzala, 2016). By 2018, the Commission for University Education had wanted all lecturers to hold PhDs (Oduor, 2017), a move that would have locked out many adjunct lecturers, who hold PhDs or lower degrees. Only about 32% of the Kenya's universities academic staff have PhDs (McKie, 2019). Some universities have already taken decisive action to deal with criticisms about their dependence on part-time lecturers. Mount Kenya University, a private institution, recently fired 2,900 part-time lecturers and replaced them with 100 full-time lecturers that have PhDs (Wanzala, 2016). A few public universities have decided to close down their branch campuses rather than bringing in more contingent members of the faculty to bolster teaching staff at their main campuses, in line with the Commission of Education approved guideline on academic staff to non-academic staff ratio (Munene, 2016). Further, with the advent of Covid-19 pandemic, some University have scale down on part-time lecturers by leveraging on information technology to reach out to many students through webinars irrespective of the location.

Whichever way Kenya's a university choose to respond to the government's decree; they must be careful not to shut part-time lecturers out entirely. Universities are often criticized for producing graduates who have no practical understanding or experience (Docherty, 2014). To avoid doing this, they must hire experienced experts in professional and technical disciplines – architecture, engineering, law and medicine – as adjunct lecturers-of-practice who will bring real world work experiences into the classroom (Munene, 2015). Kenya's higher education sector shouldn't be built entirely on the backs of part-time lecturers. But those adjunct academics who are qualified and competent must not be totally disregarded if universities are to boost their quality and cater for a growing student population (Back, 2013; Munene, 2016).

### Conclusion

Corruption and nepotism in some Universities have consigned part-time lecturers to unemployment, poverty and hopelessness (Rasheed, 2015). Universities get free labor while government gets taxes. It is therefore, highly unethical, grossly insincere and inept of accounting officers and University managements to continue compounding the problem that adjunct or part-time lecturers face. Moreover, it goes against Article 41 of the Constitution of Kenya 2010 that protects every person's right to fair labor practices and fair remuneration. It needs to be resolved by individual Universities; that this issue is brought to an end because it really hurts these suppliers of academic services, not to the quality that is compromised in the provision of quality education. How in the world can academic institutions hope to get the best from academic service providers who are disgruntled, hungry, angry and hopeless!

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