

## **PRESS CONFERENCE**

**BY PROF, MAWUTOR AVOKE, ON HIS WRONGFUL REMOVAL AS VICE CHANCELLOR OF THE UNIVERSITY OF EDUCATION, WINNEBA (UEW) APRIL 16<sup>th</sup> April, 2019. VENUE SSNIT GUEST HOUSE**

### **INTRODUCTION**

Good morning distinguished ladies and gentlemen of the Press and all well-wishers herein gathered. I am sincerely grateful to all of you for responding to the invitation to participate in this press conference. It has been close to two years since I was asked to step aside as the Vice Chancellor of the University of Education, Winneba on a baseless allegation. I was thereafter wrongfully dismissed alongside the Finance Officer Dr. Theophilus Senyo Ackorlie and four other Senior Officers in August, 2018, despite a pending application before a Cape Coast High Court, since February, 2018, seeking to quash the order from the Governing Council of UEW for me and the other officers to step aside. I have all this while restrained myself, painfully though, and refrained from making any comments on the matter to media and the public, except on a couple of occasions. This is because I believed that my colleagues and I were going to get justice through the due process we had filed in the courts of law of this country.

Ladies and gentlemen, recent happenings at UEW, has its roots in the matter that began about two years ago, and the fact that the current Management and Council of the University have so manipulated the court system through unorthodox practices to get the application not to be heard till date have made it imperative for me to come out to state my case for all to hear. I will start by first introducing myself and how I rose through the ranks and positions to become the Vice Chancellor of UEW. I will also dilate on the events that have culminated into the current impasse and the roles played by the Council Chairman, Prof. Emmanuel Nicholas Abakah and Rev. Father Prof. Anthony Afful-Broni in the impasse. I will conclude by stating what I believe will be a just, fair, conscientious, and lasting solution to the current impasse.

### **WHO IS MAWUTOR AVOKE AND WHAT HE STANDS FOR**

I hold a PhD in Education and also a peace loving consensus builder who has the interest and welfare of my family and colleagues at heart. I do not hold grudges and in no way vindictive. Honesty, caring for others, integrity, faithfulness and forgiveness are values I cherished so much. Let me therefore at this stage unequivocally and wholeheartedly state my forgiveness for all those who have contributed in various ways to wrongfully bring me to my current state, and all those who have destroyed my illustrious career as a scholar and administrator. I have forgiven all of them and don't hold any grudge against them either.

I grew up in Winneba in my early years and attended part of my basic school in that town. My father taught at the Advanced Teachers College in the mid and late 60s, and my mother at the Anglican Primary School, where I started my basic education. I therefore lay claim to Winneba as my home.

My relation with UEW however, goes way back in time to the roots and foundations of the university. I became an Assistant Lecturer in UEW in 1992, when the University of Education, then the University College of Education started. I subsequently rose through the ranks to become a Full Professor of Special Education in 2005. Within this period, I was exams officer, coordinator of a unit, Head of Department of Special Education, Director of the National Centre for Research into Basic Education, Winneba and later appointed the Dean of the Faculty of Educational Studies from 2005 to 2008. In 2007, when the position of Vice Chancellor in the university was going to be vacant, I did apply for it, but was unfortunately not successful. I was later nominated and elected by Convocation to become the Pro-Vice Chancellor in December, 2008 and subsequently appointed by the Council in March, 2008. I served in this position and worked diligently with my Boss for the full two terms of two years each until the end of February, 2012 after which I went back to assume the Deanship position at the School of Graduate Studies. Eight years after my initial unsuccessful bid to become Vice Chancellor, I again applied for and attended an interview in 2015 to become the Vice Chancellor, when the position was again going to be vacant. I was subsequently recommended for the position by the Search Committee constituted by the Council and thus got appointed by the Council to assume the position on 1<sup>st</sup> October, 2015.

#### **EVENTS THAT HAVE LED TO THE CURRENT IMPASSE**

The UEW saga started in March, 2017, when the MP for Efutu, Hon. Alexander Afenyo Markin was hoodwinked to petition the Minister for Education on the allegation that the Council that appointed me and other officers, including the then Pro-Vice Chancellor, Prof. Afful-Broni, into office was defunct and thus illegal and also that certain contracts in the university have been awarded without due process. We were therefore invited to respond to those allegations, and we indeed did officially respond to each and every one of the allegations. We did for instance state in our response that the said Governing Council could not be deemed to be defunct, as the President of the Republic at the time had caused a letter to be issued given a fresh mandate to all such Councils and Boards whose term of office came to an end by virtue of subsection 1 of Section 14 of the Presidential Transition Act (Act 845) to continue to operate and perform the functions of a properly constituted Council until such a time that a new Council would be put in place, as provided in subsection 2. We again denied that the Governing Council as at November, 2016 was defunct, because it's term of office had expired, since that Council was a new one sworn into office on 26<sup>th</sup> June, 2016 for another two-year mandate. We also denied the allegation that certain contracts had been awarded without due processes and thus breaching the Procurement Act. We in fact provided all the documentations that proved that we indeed followed all the procurement processes and actually sought for and got the concurrent approvals for those contracts from the Central Tender Review Board after the Procurement Authority had approved the procurement methods.

We were, therefore surprised when the university was served with an application which was filed on 23<sup>rd</sup> May, 2017 at the Winneba High Court by one Supi Kofi Kwayera of Winneba; praying the Court among other things to declare that:

- The extension of the mandate of the Governing Council of UEW by the Ministry of Education to stay in office to perform such functions as properly appointed Council was in breach of section 8 of the UEW Act (Act 672).
  - ❖ In an accompanying affidavit, sworn to by the plaintiff, he claimed that the Council of UEW, between November, 2013 and November, 2016, was illegal since its term had expired in November, 2013.
- All appointments made by the defunct Council are null and void and of no legal effect,
- All decisions taken by the impugned Council are null and void and of no effect.
- Contracts that were awarded to Paabadu & Sons, C-Deck Limited and Sparkx SM were done in breach of the Procurement Act (Act 663) and same are null and void.

The university, through its Counsel, filed a preliminary objection at the High Court on 6<sup>th</sup> June, 2017; praying the Court to dismiss Supi Kofi Kwayera's application on the following grounds:

- That the High Court was not the appropriate forum and thus lacks the jurisdiction to hear the case due to its nature.
- That the Plaintiff (Kwayera) lacks the capacity (locus standi) to bring the case to Court
- That the method used by the Plaintiff to bring his application to the Court was wrong in law (Originating Motion, instead of Writ of Summons).

The Judge who heard the case however ruled on the preliminary application and dismissed same on the following grounds:

- That the High Court has jurisdiction over the case,
- That the plaintiff has capacity to sue UEW because he is a former member of the Municipal Assembly; representing an electoral area and a traditional title holder (Supi).
- That the method of application used by the plaintiff is acceptable in law and thus permissible.

On 14<sup>th</sup> July, 2017 the Judge granted an application for interlocutory injunction by the plaintiff. In granting the injunction, the Judge ordered that the Vice Chancellor and the Finance Officer should cease to hold themselves as such until the final determination of the case, and that the Pro-Vice Chancellor should act in the place of the VC until a new Governing Council is constituted for UEW or the case is finally determined by the Court. Although we deemed the order of the Judge as problematic, in view of the fact that the basis for placing the injunction on us equally affected the Pro VC and the librarian (as the two were also appointed by the same so called allegedly defunct Council), we did immediately comply with it and vacated our offices that same day. We did so believing that we were going to win on appeal and also be eventually vindicated by the truth at the end of proceedings. Little did we know that we were still going to be at home till date, when all the allegations made against us have been proven to be untrue especially by EOCO, a state organization that investigated the said allegations, which similarly formed the basis of the university's own Fact Finding investigations. The EOCO Report, interestingly indicated that the Transport Committee (which is chaired by the Pro VC.) has questions to answer. At the time, Professor Afful Broni was Pro VC. Ladies and gentlemen, it has now become very clear that at least two persons, Rev. Prof. Anthony Afful-Broni and Prof. Emmanuel

Nicholas Abakah (the Chairman of the Governing Council), played very critical roles to ensure the wrongful removal of my colleagues and I from our various offices and positions in the university.

### ***The Role of Prof. Afful-Broni***

Rev. Prof. Afful-Broni did contest with me for the position of the Vice Chancellor of UEW and was unsuccessful, as I was the one who was recommended by the Search Committee and thus eventually got appointed by the Council by virtue of topping the list of applicants at the interview. When his first term of office as Pro VC ended in February, 2016, I went on to nominate him for a second term of office where upon he was subsequently elected by Convocation and appointed by the Council that was alleged to be defunct. I did so, because I felt I could work with him to achieve my vision of executing the Corporate Strategic Plan of the University. Little did I know that he was going to undermine me by scheming with others to get me out of office so that he could inherit my position, albeit illegally. Ingratitude they say, is more poisonous than a snake's fang. It is now clear who in the cloak or dead of the night was meeting the member of parliament of the Efutu Constituency and sharing fabricated materials and official documents of the University, and misrepresenting same to him, as recently claimed by the MP himself on various media platforms. Although he feigned innocence and non-involvement in the saga as it unfolded, he went on to intimidate and victimize (through evictions from official bungalows, dismissals, demotions, suspensions and non-renewal of contracts) anybody who had the courage to either point out his complicity in the matter to him or showed his/her displeasure in the way things were being handled by him and Prof. Abakah.

### ***Acts of Collusion and Missteps of Prof. E. N. Abakah (Council Chairman)***

Ladies and Gentlemen, Prof. E. N. Abakah, was until 2016 a staff of UEW. He succeeded me as the Pro. VC of the university in March, 2012 and ended his one-term of office on 28<sup>th</sup> February, 2014. I assumed office as VC at the time appointment of office holders for 2015/16 academic year in the university had already been made by the exiting VC. When I assumed office Prof. Abakah wrote to me, two months later, rejecting his appointment as Head of the Department of Akan Nzema, and returned allowances that had already been paid to him. He subsequently resigned from the university and took up appointment at the Jayee University College as its Principal. I will at this stage go on to enumerate the various actions of Prof. Abakah that eventually led to our wrongful removal from office.

1. Upon the coming into office of the newly constituted Governing Council in July 2017, one would have thought that the order by the Judge for the Pro VC (Prof. Afful-Broni) to act in the place of the VC till a new Council is constituted would have naturally been vacated for the Council to now determine who should act to perform the functions of the VC, since the Pro VC was equally appointed by the alleged defunct Council. This was however not to be, as Prof. Abakah, on the day that the Council was sworn in, directed the Registrar of UEW to write to me to hand over to the Pro VC at a time when the newly sworn-in Council was yet to meet to deliberate on the issues.

Again, during the first meeting of the newly constituted Council, on 19<sup>th</sup> July, 2017, Prof. Abakah announced the appointment of Rev. Prof. Afful-Broni, as the Acting VC against the provisions of the

Act and Statutes of the University. **Statute 6(h) states: where the post of the Vice-Chancellor becomes vacant through resignation or death, or any cause which incapacitates him/her in the performance of his/her functions and duties for nine consecutive months, Council shall set in motion the process for identification and appointment of a new Vice-Chancellor. In any such event, the Pro Vice-Chancellor shall, as determined by Council, act as Vice-Chancellor until a new Vice-Chancellor is appointed.**

**Statute 7(d): in the event of a temporary absence of both the Vice-Chancellor and Pro Vice-Chancellor, from the University or when both post are vacant the most senior Dean shall act until Council is able to make a formal appointment.** This act by Prof. Abakah, without any discussion of the issue by Council, effectively made the duo (Prof Abakah and Prof Afful-Broni) assume official command over the coup d'état they had initiated and supervised for others to execute.

2. Prof. Abakah then went ahead to admit Prof. Afful-Broni as a member of the Council and allowed him to participate as such, when there was no instrument of appointment from the President of the Republic, as stipulated by UEW's enabling Act (Act 672). That action of the Chairman clearly violated provisions of the Act and Statutes of the University and thus was an illegality.
3. He also unilaterally wrote to the Counsel/Lawyer of the University to stop all appeal processes that have been initiated as a result of the initial rulings of the Winneba High Court. This he did without recourse to the Council, either by way of permission or information.
4. Prof. Abakah, the Council Chairman, and thus the Council clearly reneged on their main role of protecting and defending the interest and resources of the University. Instead of supporting us to defend the law suit, they rather wrote to the university lawyer to discontinue the appeal process that would have led us to a higher Court of judicature to challenge the apparently wrong ruling and consequential orders of the Winneba High Court. In fact Prof. Abakah, in the letter purporting to appoint Prof. Afful-Broni as Ag. VC then rather indicated the Council's approval and consent to the High Court's ruling.
5. The Chairman, and by extension the Council, further exhibited this open biasness by not associating the Council with UTAG-UEW, when it proceeded to the Supreme Court on a certiorari application to get the said ruling of the Winneba High Court quashed. The Council and its Chairman behaved as though they saw no evil, heard no evil and said no evil about the ruling and orders of the Winneba High Court, even when Counsel for the University had indicated there were problems with the ruling and orders to Council, at one of its meetings.
6. As if the aforementioned actions and inactions that amounted to open bias and hatred against us were not enough, Prof. Abakah again caused a letter to be written to us demanding our

handing over notes and the handing over of our official vehicles when we had not been interdicted, indicted or dismissed.

7. Following from the above, Prof Abakah, at the least opportunity, made various statements to the effect that there had been corrupt practices in the University although he has not been able to provide any shred of evidence to substantiate his oftentimes prejudicial allegations till date. He also released a press statement, which sought to accuse me and my other colleagues of impropriety and malfeasance, but did not adduce or provide any evidence to substantiate this weird allegation. This statement was released a week ahead of the Supreme Court scheduled ruling on UTAG-UEW's certiorari application against the ruling of the Winneba High Court. There was therefore the view that this was deliberately done to perhaps influence the ruling, and thus making the said statement very prejudicial.
8. Prof. Abakah, in a Council meeting held on the 16<sup>th</sup> of August, 2017 constituted a three-member **Fact-Finding Committee, with a clear terms of reference of seeking the facts surrounding the allegations by the plaintiff (Supi Kwayera), so as to aid the University's lawyer in presenting a more solid defence in court.**
9. The Council Chairman, on the 1<sup>st</sup> of November, 2017, allowed a member of the Fact-Finding committee, which had requested for a two week extension for the submission of its report just a week earlier, to all of a sudden come to another emergency meeting of Council to present a so called interim report. Interestingly the Chairman of the Committee and one other member were absent, leaving only that particular member to present the interim report without any authorization from the Chairman. The report was neither signed by members of the Committee nor was it shared with members of Council. No amount of protestations from some members of Council about these infractions would make Prof. Abakah to budge and thus call off the meeting for the right thing to be done. The report was read to members of Council with the recommendation that myself and five other officers of the University be asked to step aside for the Committee to continue to carry on with its work. This was done at the time the committee was yet to have interacted with us, and we believe was even yet to have been given any documents or interacted with any other officer of the university.
10. Prof Abakah, again, during a Council meeting held on 28<sup>th</sup> December, 2017, read out what he himself referred to as a thesis to members of Council and informed them about the need to re-appoint Prof. Afful-Broni as the Acting VC, in view of the Supreme Court ruling on 20<sup>th</sup> December, 2017, which quashed the Winneba High Court's ruling and therefore making the earlier appointment null and void. This appointment was done outside the provisions of the Act and Statutes of UEW and thus was in a very bad taste. This was done obviously to prevent me from coming back to office for no apparent reason.

We want it to be noted that at this point there was no Court case against the University or any of its officers, and thus no need for the Fact-Finding Committee to continue with its work, since it was established to gather facts for the University to put up a better defense in Court in view of the previous suit against it. Consequently, the order by the Council for me and the five others to step aside, because of the work of the Fact-Finding Committee, should have been vacated for us to have resumed our respective positions upon the ruling of the Supreme Court, which quashed the earlier rulings of the Winneba High Court. Again this did not happen, as it was clearly against the interest of Prof. Abakah and Prof. Afful-Broni. Rather, at an emergency meeting of the Governing Council of UEW held on 22<sup>nd</sup> February, 2018, where the Fact-Finding Committee established by the Council presented its report, Prof. Abakah again took the decision that we have been indicted by the report of the said committee, when no such indictment was made in the report. **In fact nowhere in the committee's report was mention made of the dismissals of any officer or any adverse findings made that pointed to the dismissals of any of us.**

Despite all these, Professor Abakah went ahead to announce the appointment of Prof. Afful-Broni as acting Vice-Chancellor. This decision of Prof. Abakah was announced to members of the Council in spite of the fact that the appointment of Prof. Afful-Broni as Pro Vice-Chancellor, in view of which he was appointed as the Acting Vice-Chancellor in the first instance, was due to have expired on 28<sup>th</sup> February, 2018. This purported appointment was also made against the fact that the Council had actual knowledge that Prof. Afful-Broni's tenure of office as Pro Vice-Chancellor was going to expire on 28<sup>th</sup> February, 2018. These were all violations of the Statutes of the University. Such was resisted by a section of the Council members. All those who resisted have either been sacked, or are no longer members of the Council. Despite the resistance and despite drawing the Chairman's attention to the blatant breaches of the University Statutes, the Chairman carried on with the said announcement and subsequently issued a Press Release to that effect

Indeed such resistance led to the dismissal of certain staff who were perceived as being against the emerging orthodoxy and were labeled as Avoke supporters. These events and antecedents are what is leading to the current impasse and instability of a university that has hitherto enjoyed relative peace and calm over the past twenty six plus years

We believe at this point that it is now time for all stakeholders with UEW at heart to come in and help bring a fair and just solution to this impasse for peace and sanity to prevail

### **Agenda Forward**

Universities the world over are places for freedom of autonomy of thought, and liberty to exercise skills as well as impart knowledge to students so that they can become free thinkers. Once we lose that special podium, fundamental problems of governance and conflicts become inevitable

The University of Education Winneba is a paragon to Ghana, and we must guide it conscientiously and protect it from all malicious and political maneuvering from individuals. UEW is bigger than any of us.

Its interest must be our decisive aspiration. A university environment is not a place to terrorize academics. **The injustice in dismissing staff who have served the University over the past several years, on trumped up charges, evidenced in the so called Fact Finding Report (which is available for all of you to scrutinize) is probably the greatest injustice in the history of Higher Education anywhere in the civilized world. Ironically, even when Ms Sena Dake (Internal Auditor) and Mary Dzimey (Procurement officer) were recommended by their own Fact Finding Report to be taken through in-service training, the Council proceeded to sack them in order to create opportunity for other favored ones.** Clearly, the waste and loss of human capital to the nation cannot be contemplated in sacking some of the most skilled staff who trained abroad and in Ghana at the expense of the tax payer. Some of them have spent their entire working lives building the University of Education, even at a time it was not attractive for many academics to work in the University.

**Staff should be allowed to resume work in all fairness, since justice will not be served if I, and those dismissed are not brought back, as this has the potential of setting an unhealthy precedent for Higher Education in this country. As a nation we need to right these wrongs.**

**I am willing to be a part of a conversation that will ensure all parties are brought together in order to unite the University.**

We thank you all for your time and attention, and for honoring our invitation. May we also use this opportunity to thank our lawyers, staff of the University of Education, our colleagues and students for the enormous support over the period. Our families and the numerous support received in Ghana and the larger world from well-wishers who are appalled at the magnitude of injustice to fellow Ghanaians.