

Framework for Discussion on MOU

Federation of University Teachers' Associations

Sir Lanka

03/07/2012

1 Preamble

The idea of Education is central to the continuation and preservation of human society, materially as well as culturally. Education enables and sustains civilisations and promotes humanism. In modern times, education has been recognized as a fundamental human right. It is now universally accepted fact that everyone has a right to education and education shall be directed to the full development of the human personality (Article 26 – Universal Declaration of Human Rights, 1948). Education has thus been recognized as a fundamental founding pillar of human society that buttresses and safeguards among other things, democracy, freedom, peace, and sustainable development, and should become accessible to all (World Declaration on Higher Education for the 21st Century, 1998).

In Sri Lanka, public sector education or ‘free education’ as it is commonly known, is a constituent component of our state. It is a core value on which the modern Sri Lankan identity has been built. Many of our achievements for which we have won acclaim globally rests on the opportunities provided through public sector education. Over the past six decades, it has been the avenue by which the masses sought and achieved social mobility. Importantly, it was pivotal in bringing about a post-independence renaissance in the fields of learning, art and culture. It has sustained the public administration sector, the health sector, technical and engineering sectors through nurturing the human resources that have contributed to the development of these areas and of the country. Future generations of academics, intellectuals, scientists, managers, administrators, public servants, politicians, artists and philosophers in Sri Lanka will also largely come from a well-nourished public education system. A civilised and humane society requires all these different people to sustain itself. The threats that the public education system is currently facing need to be addressed immediately if Sri Lanka is to progress as a nation.

Political regimes that control the reins of government for a limited and stipulated period of time have no moral right or political mandate to change or alter the nature and attributes of the founding pillars of the state without the express and informed consent of the people of the country who are the real owners of the state and who establish political regimes from time to time.

Universities in this context have a crucial role to play in this mission, particularly to contribute to enabling a sustainable and equitable society. Universities are also sites that encourage free thinking, generate and disseminate new knowledge and ideas and function as centres promoting humanistic ideals, propelling society in new directions. Since universities have a crucial role in this humanising and civilising mission, we believe that it is the duty of the government to give primary value in the higher education sector to State Funded Universities and that it is the role of the government to develop the State Funded Universities sector, and not sacrifice them in the ad hoc promotion of the private sector.

At a time when public universities are at a crossroads, we believe that it is the responsibility of university academics to act as custodians of public universities and higher education. We believe that the struggle to protect the public university system is our paramount duty. History will judge us harshly if we abdicate or neglect this duty at this crucial moment in time.

We believe that the government should take concrete measures to preserve and improve all sectors of publicly funded education including the higher education sector. The government should commit itself to the improvement of public sector education, and allocate a higher portion of the annual budget towards it. At present, annual government expenditure on education and higher education falls far below accepted regional and international guidelines. This in itself, is an indication of the present attitude towards public education.

The government should also quickly and decisively distance itself from initiatives that aim to undermine public education including efforts to privatise education without proper consultation with relevant partners. . The government must consider the views of all stakeholders including the university academic community as represented by the FUTA when considering education policy reforms. The government also needs to refrain from violating existing policy and legal frameworks through arbitrary and disjointed decision making. The University Act of 1978 provides the mechanism for consultation and involvement of academics and the government must at the very least adhere to this legal framework to work together with for the development of the state university system.

2 FUTA Demands 2012 - Detailed

A. Enhancing recruitment and retention of the highly qualified academics

1. Considering the crucial role academics play in generating knowledge and educating the youth of this country and consequently the rigorous academic training that academics have to undergo and the stringent recruitment and promotion process that they are subjected to, establish a *Sri Lanka University Academic Service (SLUAS)*. (Refer to Appendix-II for a set of guidelines to be followed in drafting the service minutes).
 - 1.1. Sign an agreement to establish the SLUAS, based on the guidelines provided in the draft attached in Appendix-II, by Jan 2013. The MoHE, the Ministry of Finance, and the Salaries and Cadre Commission should be signatories to this agreement.
 - 1.2. Immediately setup a committee to draft the service minutes. The committee should comprise of representatives from the FUTA, Ministry of Finance, Salaries and Cadre Commission, and the UGC.
 - 1.2.1. A written agreement that the first draft of the SLUAS service minutes will be provided by the FUTA based on the guidelines provided in Appendix-II.
 - 1.2.2. A written agreement on the process and timeline of setting up of the SLUAS.

A written agreement by the Ministry of Finance to implement the remuneration steps outlined in the interim proposal of 7th July 2011. This proposal should contain commitments to:

- 1.3. Provide *an increase of 20% to the basic salary of 2011, to be paid with effect from 1st Jan 2012* (refer to Table-03 in the Appendix-I). All existing allowances should be paid with no conditions attached.
- 1.4. Provide an increase Of 16.67% to the basic salary to be introduced in item 1.3 above (refer to Table-04 in the Appendix-I). This increased basic salary should be included in the national Budget for 2013 that would be presented to parliament, *and should be paid with effect from 1st Jan 2013*. All existing and proposed allowances should be paid with no conditions attached.

B. Safeguarding and uplifting state education

To arrive at a written MOU with the government that will include:

- 1.1. A written agreement to increase Education spending to 6% of GDP by January 2015. This value is the UNESCO recommended value. Sri Lanka at the second ministerial meeting of South Asia Education for All (EFA) forum held in December 2009 has already pledged to meet this target.

- 1.1.1. Written agreement to restore education spending to at least 2.9% (the 2005 value) of GDP by Jan 2013.
- 1.1.2. Written agreement to increase education recurrent expenditure per student to at least reach 12% of per capita GDP (present regional average) by Jan 2015 for state sector universities.
- 1.1.3. Written agreement to increase Higher Education spending to at least 0.5% of GDP (the 2005 value) by Jan 2013.
- 1.1.4. Written agreement to increase Higher Education spending to reach 1% by Jan 2015.
- 1.1.5. Written agreement to increase the annual University Expenditure per student to reach an average of Rs. 450,000.00 by Jan 2015, for all conventional Universities and as appropriately for distance learning programs
- 1.1.6. No new national Universities should be established without a consultative process on national requirements and without having proper infrastructure facilities.
- 1.1.7. Recurrent and capital expenditure allocated for the particular university should be made available for the University at least by 31st January in each year.

1.2. Clearly state the government policy on state funded education

- 1.1.8. A clear written statement of the government policy on general state funded education, that includes
 - 1.1.8.1. The overall policy statement of the government on education that includes the specification of the expectations and objectives of the state funded general education system
 - 1.1.8.2. The five year plan and the ten year plan for state funded general education system.
 - 1.1.8.3. The financial commitment and plan to maintain and uplift the general education system

1.1.9. A clear written statement of the MoHE's policy on state funded universities, that include

1.1.9.1. The overall policy statement on Higher Education in Sri Lanka that includes a statement of the expected role of University education

1.1.9.2. The five year plan and ten year plan for University education

1.1.9.3. The financial commitment to state funded universities

1.3. A written agreement by the MOHE to suspend all existing higher education reform processes until a proper consultative process involving all stakeholders and the public takes place.

1.1.10. Written agreement by the MOHE to immediately suspend the following:

1.1.10.1. Proceeding with any Education or Higher Education related legislative bills

1.1.10.2. All education and higher education related reform processes.

1.1.10.3. The Leadership Training program

1.1.10.4. The agreement with CIMA and similar private education institutes that allow the use of University property, resources, and services to conduct their classes without payment.

1.1.10.5. The foreign student scholarship scheme.

1.1.11. A written agreement to abide by the process detailed in the Universities Act 1978 (as amended) with regard to initiating, formulating, and proceeding, on any higher education reform processes or initiatives (including circulars) by proceeding through the proper channel of Faculty Boards, Academic Senates, and the UGC.

1.1.12. Where necessary to amend the Universities Act in a consultative and transparent process to reflect the reform initiatives especially in relation to enhancing the

autonomy of universities, and ensuring the de-politicisation of appointments to university bodies including the UGC.

1.4. A written agreement by the MOHE to refrain from the politicization and micromanagement of the Universities so that these institutions can thrive as autonomous institutions acting as catalysts in the development of Sri Lanka. The agreement should include:

1.1.13. A pledge to respect and adhere to the Universities Act of 1978 (as amended) in all matters pertaining to the higher education sector

1.1.14. An assurance that the minister shall, in particular, ensure the proper application of s.44 of the above Act by not interfering in the appointment of members of the University Councils. The assurance must include an undertaking by the UGC that the qualifications of those appointed and the expected expertise each appointee brings in to the respective council to be publicized for the information of the University community and the general public.

1.1.15. An assurance to strictly adhere to the procedure pertaining to the appointment of Vice Chancellors without ministerial interference (at both stages involving the University Council and the UGC). This principle of non-interference by the minister was recognized by the Supreme Court Judgment (SC (SD) 5-12/1999, SC Minute of 03/05/1999).

1.1.16. A pledge to allow university councils to be the final decision making body with regard to all university appointments both academic and non academic positions..

1.1.17. A pledge to stop interfering in the allocation of University funds.

1.1.18. An undertaking to have the cabinet approved directive (in violation of the Universities Act) to hire the ultra expensive Rakna Lanka security firm for University security rescinded.

3 Summary table on FUTA salary demands

Table 1: Summary Salary demands

Post	Scale	As of Jan 2012		As of 1st Jan 2013 (Circ. 975 & 985)				FUTA demands - as of Jan 2013		Gap
		Basic	Gross	% increase in Basic	Increased Basic	Gross	% increase in Gross	40% increase in Basic	Gross	
B09 Demonstrator	U-AC 1	20755	27043	2.96	21370	29826	10.29	29057	40118	10293
B05 Temporary Lecturer	U-AC 2	25145	31652	3.48	26020	35173	11.12	35203	49254	14081
B04 Lecturer (prob)	U-AC 3 (IV)	26900	50308	3.25	27775	54551	8.43	37660	73038	18523
B04a Lecturer (conf)	U-AC 3 (III)	33450	67551	4.68	35015	73967	9.50	46830	101252	27285
B03 Senior Lectuer –II	U-AC 3 (II)	37650	77726	5.59	39755	85754	10.33	52710	113306	27552
B03a Senior Lectuer –I	U-AC 3 (I)	42650	87351	6.79	45545	97479	11.59	59710	127656	30177
B02 Assoc Professor	U-AC 4	45850	94658	8.93	49945	107637	13.71	64190	136840	29202
B01 Professor	U-AC 5 (II)	50905	104515	11.00	56505	121085	15.85	71267	151347	30262
B01a Senior Professor	U-AC 5 (I)	57755	114985	16.18	67100	139450	21.28	80857	166964	27514

Appendix – I: Proposed salary tables, excluding benefits.

Table 1. Proposal Submitted to the Salaries and Cadre Commission by the UGC in 2008 (Jiffry-Malik Ranasinghe UGC committee proposal)

Post	Scale	Present Salary of Academics	Central Bank Salary	Proposed salary for Academics	25% Academic allowance	Total Gross	Proposed Increment
B-01 (a) Senior Professor	U-AC 5 (I)	57,755	150,000	135,000	33,750	168,750	1,750
B-01 Professor	U-AC 5 (II)	50,905		120,000	30,000	150,000	1,600
B-02 Associate Professor	U-AC 4	45,850	120,000	108,000	27,000	135,000	1,500
B-03(a) Senior Lecturer-I	U-AC 3 (I)	42,650	80,000	100,000	25,000	125,000	1,500
B-03 Senior Lecturer-II	U-AC 3 (II)	37,650	75,000	88,000	22,000	110,000	1,300
B-04 (a) Lecturer(Confirmed)	U-AC 3 (III)	33,450	63,000	78,000	19,500	97,500	1,100
B-04 Lecturer Probationary	U-AC 3 (IV)	26,900	40,000	44,000	11,000	55,000	1,100
B-05 Temporary Lecturer	U-AC 2	25,145		40,000	10,000	50,000	Fixed
B-09 Demonstrator	U-AC 1	20,755		32,000	8,000	40,000	Fixed

Table 2. Proposed **Interim Salary Scheme** to be implemented with effect from January 2011

Post	Scale	Basic as of Dec- 31, 2010	Academic Allowance %	Academic Allowance	CoL 5,250	Common increment 5%	R&D allowance 25%	Gross
B04 Lecturer (probationary)	U-AC 3 (IV)	26,900	41.25	8,406	5,250	1,345	6,725	51,316
B04a Lecturer (confirmed)	U-AC 3 (III)	33,450	90	30,105	5,250	1,673	8,363	78,840
B03 Senior Lecturer –II	U-AC 3 (II)	37,650	90	33,885	5,250	1,883	9,413	88,080
B03a Senior Lecturer –I	U-AC 3 (I)	42,650	90	38,385	5,250	2,133	10,663	99,080
B02 Associate Professor	U-AC 4	45,850	90	41,265	5,250	2,293	11,463	106,120
B01 Professor	U-AC 5 (II)	50,905	90	45,815	5,250	2,545	12,726	117,241
B01a Senior Professor	U-AC 5 (I)	57,755	80	46,204	5,250	2,888	14,439	126,536

B09 Demonstrator	U-AC 1	20,755	10	2,076	5,250	1,038	0	29,119
B05 Temporary Lecturer	U-AC 2	25,145	10	2,515	5,250	1,257	0	34,167

Table 3. To be implemented with effect from January 2012.

Post	Scale	Increase in Basic salary 20%	New Basic Salary at Jan 1, 2012	Academic Allowance s %	Academic allowance s	CoL Allowance *	25% R & D Allowance	Gross at 2012 Jan
B04 Lecturer (probationary)	U-AC 3 (IV)	5,380	32,280	55	17,754	5,250	8,070	63,354
B04a Lecturer (confirmed)	U-AC 3 (III)	6,690	40,140	80	32,112	5,250	10,035	87,537
B03 Senior Lecturer –II	U-AC 3 (II)	7,530	45,180	80	36,144	5,250	11,295	97,869
B03a Senior Lecturer –I	U-AC 3 (I)	8,530	51,180	80	40,944	5,250	12,795	110,169
B02 Associate Professor	U-AC 4	9,170	55,020	80	44,016	5,250	13,755	118,041
B01 Professor	U-AC 5 (II)	10,181	61,086	80	48,869	5,250	15,272	130,476
B01a Senior Professor	U-AC 5 (I)	11,551	69,306	75	51,980	5,250	17,327	143,862

B09 Demonstrator	U-AC 1	4,151	24,906	20	4,981	5,250	0	35,137
B05 Temp. Lect.	U-AC 2	5,029	30,174	20	6,034	5,250	0	41,458

▲ Cost of Living (CoL) Allowance should be adjusted on a par with the annual rate of inflation

Table 4: To be Implemented with effect from January 2013.

Post	Scale	Increase in Basic salary 16.67%	New Basic Salary at Jan 1, 2013	Academic Allowances %	Academic Allowances	CoL Allowance *	25% R&D Allowance	Gross at 2013 Jan
B04 Lecturer (prob)	U-AC 3 (IV)	5,810	37,660	40	20,713	5,250	9415	73,038
B04a Lecturer (confirmed)	U-AC 3 (III)	7,225	46,830	80	37,465	5,250	11,707	101,252
B03 Senior Lecturer –II	U-AC 3 (II)	8,132	52,710	80	42,169	5,250	14,927	113,306
B03a Senior Lecturer –I	U-AC 3 (I)	9,212	59,710	80	47,769	5,250	15,098	127,656
B02 Assoc Professor	U-AC 4	9,904	64,190	80	51,353	5,250	16,047	136,840
B01 Professor	U-AC 5 (II)	10,995	71,267	80	57,013	5,250	17,817	151,348
B01a Senior Professor	U-AC 5 (I)	12,475	80,857	75	60,643	5,250	20,214	166,964

B09 Demonstrator	U-AC 1	4,483	29,057	20	5,811	5,250	-	40,118
B05 Temporary Lecturer	U-AC 2	5,431	35,203	25	8,800	5,250	-	49,254

▲ Cost of Living (CoL) Allowance should be adjusted on a par with the annual rate of inflation

Appendix II

Proposal to establish “Sri Lanka University Academic Service” (SLUAS)

Drafted by Professor AM Navaratna-Bandara, Department of Political Science, University of Peradeniya for FPUTA

Rationale

“There are four principal objects University must serve, the conservation of knowledge and ideas, the interpretation of fresh streams of thought, the unceasing adherence to intellectual ideals and the training of men to uphold and continue education. Hence the staff needs must comprises original thinkers and research workers as well as men who can bring together the researches of others, and men who can stimulate students, so that teachers and students not only acquire knowledge but develop knowledge, thus advance the study of social, educational and political problems.” **Andreas Nell**

1. Reasons for the recognition of University Academics as a special professional category

- (1) Only the highest achievers are considered even for an interview for an academic position in the university system.
- (2) The process of evaluation for recruitment to the university academic staff is stringent and only the best of the available best make the cut.
- (3) Once within the system, process of evaluation for promotion is tedious and stringent.
- (4) Academics are not instantly replaceable, as the training and knowledge they have had is unique.
- (5) Academics are expected to work independently in relation to their own disciplinary boundaries

- (6) University Academics train the best of the best students and set the standards of the top-level workforce in our country.
- (7) They carryout work 24hrs, everyday and there is no overtime paid for this service (Most of the research work is done outside of teaching time).
- (8) They are not remunerated for the research work and student supervision that they carry out.
- (9) They review scientific work without any monetary considerations.
- (10) University academics do not get remunerated for publishing their scientific work in Journals, actually often they have to pay a fee to the journal to publish their articles.

2. The components of the Minutes of the Service

3.1 Recruitment & promotion

- 3.1.1 The present schemes of recruitment and promotions should be accommodated into the minutes in detail. *The document prepared by Dr. Rohan Fernando on behalf of FUTA in 2010 is annexed and it should be incorporated into the service minutes.*
- 3.1.2 The recruitment should be done separately by each university institutions following the common recruitment and promotion schemes.

3.2 Transfers

- 3.2.1 A member who joined the service cannot be transferred from the university institution which recruited him/her initially to the service.
- 3.2.2 However, a member can move from the serving institution to another university institution as a new recruit but with the service points so far acquired if the authorities of both institutions agreed to facilitate the transfer by making arrangements to settle the liabilities/bonds of the staff member concerned.

3.3 Salary Scheme

- 3.3.1 The basic salary of each grade or service category should be based on the salary scheme agreed upon by the Universities Authorities and FUTA.
- 3.3.2 There should be a permanent pay negotiation body comprising the representatives of Ministry of Higher Education, UGC, Universities, Teacher Trade Unions and FUTA to assess the revision of salaries, allowances and other service conditions annually and recommend necessary adjustments in the existing pay structure and the service minutes.

3.4 Salary increments

- 3.4.1 Proposed to follow the pay schemes adopted by the Indian UGC to this effect
- 3.4.2 3% to 4% of the basic salary (differentiation can be made between the grades)
- 3.4.3 Number of advance increments should be arranged for PHD/M Phil/MA/M Sc holders at the level of recruitment and also on the completing those degrees by the staff members already in service.

Increments should be accompanied by an evaluation and assessment of academic's contribution by an independent group of peers. The details of this process needs to be worked out and included.

3.5 Allowances

3.5.1 Continuation of the following special allowances without any conditions:

3.5.1.1 Academic Allowance as a continuation of the principle accepted by the Cabinet in 1996 to distinguish University Academic from other service categories in the University system

3.5.1.2 Research and Development Allowance as an incentive to encourage the academics to pursue research and knowledge development

3.5.2 Proposed to add the following Need Base Allowances to the salary

3.5.2.1 House Rent Allowance for those not living in the university quarter or house owned by the member or spouse (25% to 30% of the basic salary).

3.5.2.2 Transport Allowance to compensate the cost incurred by the members to travel to work station by their own vehicle or hiring a vehicle or utilizing the public transport.

3.5.2.3 Children Education Allowance up to two children. The allowance could be varied depending on the category of school attended i.e. government school/private school/in hostel.

3.5.2.4 Internet and broad band allowance to facilitate the members to maintain private access to internet and email

3.6 University Establishment C ode

The formulation of a university establishment code that details the codes of practice for university academics respecting the need to protect academic freedom

3.7 Medical Scheme (not to be included in the service minutes)

A Medical Insurance scheme may be adopted for all academics. The teacher may contribute 30% of the premium and the rest to be contributed by the employer. The UGC should negotiate with leading insurance companies to develop a scheme.

3.8 Group Insurance (not to be included in the service minutes)

A group insurance may be adopted for all university and college teachers throughout the country. UGC should once again negotiate with leading insurance companies to develop a scheme.

3.9 Training

- 3.9.1 The Universities must take the responsibility of helping the probationary lecturers to complete their post graduate qualifications by offering scholarships and arranging opportunity to join foreign universities utilizing the technical aid programmes, link programme with the donor institutions.
- 3.9.2 Current leave schemes pertaining to the probationary study leave should be revised to enable the probationary lectures to complete their Ph Ds abroad after returning to the country by completing Master degrees. Continuation of the present scheme which enabled the probationers get 03 years study leave to complete their Ph D if they complete their Masters Degree locally without utilizing study leave.
- 3.9.3 The current staff development programmes should be continued. (The universities must establish permanent institutions to conduct and develop staff development programmes and also to provide necessary information to the teachers to acquire new knowledge on the subject. Staff Development centres need to have proper accreditation and trained resource persons.

3.10 Sabbatical Leave

- 3.10.1 Proposed to continue the present system subject to the evaluation by sister unions of FUTA
- 3.11 Overseas leave
- 3.12 Applications for overseas leave for conferences, training, workshops, and other related work should be approved by the respective VC of the University and the Leaves and Awards Committee subject to the approval of the relevant Head and Dean.

3.13 Consultancy

- 3.13.1 Teachers in universities and colleges should be encouraged to accept Consultancies, Directing Projects, registering patents, R&D products and technology transfers.
- 3.13.2 Resources earned to be in the following manner: Amount received up to 30% of the gross salary No sharing

3.13.3 Amount received beyond 30% and up to the Sharing of gross salary amount beyond 30% in the ratio 70% and 30% between the teacher and the Institution

3.13.4 Amount receive beyond the gross salary 50-50 of the amount received beyond the gross salary between the teacher and the institution

3.14 Retirement, Reemployment, Pension, Provident Fund and Gratuity

3.14.1 The age of retirement of all university teachers should be 65 years. In the interest of students Individual teachers should however be allowed to continue till the end of academic year.

3.15 Reemployment of Teachers

3.15.1 Teachers may be reemployed selectively after superannuation on contract basis up to the age of 70 years if a board appointed by the University Council and Senate approved the request submitted by the Head of Department with strong justification for the best interest of the department and the discipline concerned.

3.16 Pension

3.16.1 The present pension scheme should be continued with certain modification. Teachers should be eligible for full pension after 20 years of qualifying years and the widower and the children below the age of 18 should be made entitle to receive the pension of the member after his death.

3.17 Provident Fund

3.17.1 The present Provident Fund scheme should be continued with certain modifications.

3.18 Gratuity

3.18.1 The Gratuity scheme practiced before the UGC circular No.955 should be adopted.

3.19 Contract Teachers

3.19.1 Teachers should be appointed on contract only if absolutely necessary and their qualifications and procedure of selection should be the same as for a regularly appointed teachers.

3.19.2 The fixed emoluments to be paid per month to a teacher on contracts should not be less than the monthly gross salary of a regularly appointed teacher.

3.20 Visiting Lectures / Part Time Teachers

3.20.1 If there is a need for appointing a teacher as a visiting lecturers/part time lecturers, s/he should be paid an amount decided by the common UGC circular. Retired teachers could also be involved in teaching as visiting lecturers.