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An open letter to the Vice Chancellor and Members of the Council

- Sub Committee for Academic Integrity, Jaffna University Science Teachers' Association

Academic Recruitment: Affirm Excellence or Perpetuate Mediocrity and Corruption?

On 4th December 2013, the JUSTA sent the Vice Chancellor and members of the University Council a letter signed by more than 80 academics from three faculties titled *Selection to Academic Positions in the University* (End Note 1). That letter warned:

“Selection on subjective criteria such as interview and performance easily becomes the means of abuse to favour those with superior connections and influence at the expense of persons from humbler backgrounds who have shown superior ability. Once this abuse takes root, the character of the University suffers, as those selected become increasingly beholden to those in authority.”

Two key paragraphs in the letter stated:

“The Circular [935] makes it clear that the certified record is the decisive criterion for selection. The presentation and interview are only to ensure that the selected candidate will not be a disaster as a teacher. It further makes it practically mandatory that the candidate having the best certified record be appointed in a temporary capacity, when there is some doubt about his capacity to teach and interviewed a year later. That makes plain the weight placed on qualification as opposed to presentation.

“A Special Degree candidate has been tested in 120 credits using some 50 end-of-semester question papers (and numerous in-course assessments) by several tens of examiners. Each answer script has been marked twice by experienced examiners. The candidate had spent several hundred hours answering question papers in the examination hall. A first class is awarded based on this performance. In the selection board only the Head of the Department is, in most cases, an expert in the subject. **Is it that easy for such a board to reject the result obtained in the above manner and stamp a candidate as being unsuitable on the basis of a few questions fielded inadequately by the candidate during a brief interview lasting a few minutes?”**

The letter makes it absolutely clear that a sizeable section of the academic community was prepared to risk signing a public document expressing serious misgivings about the effect of abusive recruitment practices on the future of the University and the maintenance of standards.

A Council that was really interested in the University should have talked to the academics and have taken steps, such as appointing a committee of inquiry, to give confidence that the issue was being addressed. The same month (December 2013) Miss Nilani Kanesharatnam, who had topped the batch in Zoology and had significant teaching and research experience, was rejected for the post of probationary lecturer in favour of a far less qualified candidate. She complained to the Council. Both her letter and our appeal signed by over 80 academics were simply ignored by the Council. The JUSTA wrote to the Council on 4th January 2014 reminding them to take up Miss Kanesharatnam's appeal. That too was totally ignored and the abuses continued.

On 28th March 2014, Miss RavivathaniThuraisingam who had topped the batch in Financial Management and had 11 days earlier been dropped for the post of Probationary Lecturer in favour of the candidate who came 4th in the batch, made an appeal to the Council. The letter made three serious allegations about the selection, viz.:-

- 1.) The Vice Chancellor, who certified the selection, left the board room just after Ravivathani's interview had commenced and did not return until after it ended. And yet she signed off the Selection Committee decision as Chairman.
- 2.) The selected candidate gave false information exaggerating her teaching experience.
- 3.) The selected candidate gave false information exaggerating her research publications.

The Council apparently ignored the allegations and never responded to the letter.

The JUSTA continued to pursue these abuses and on 30th July 2014 issued a major report examining several cases titled Discriminating Against Excellence (End Note 2). The Vice Chancellor responded to the summary of our report to the Secretary, Higher Education, which was forwarded to us by Prof. Rajiva Wijesinghe and to which we responded (End Note 3).

Neither the Vice Chancellor nor the Council responded to our representations, although the Secretary, Higher Education took them seriously enough to call for a response from the VC, and the UGC Chairman when questioned by the *Island* (31st Jul.2014) thought it prudent to promise an impartial inquiry, which has until now not taken place (End Note 2).

The next development in this tragi-comedy was played out when Ravivathani filed a Fundamental Rights Appeal in the Supreme Court, which was impressed enough to give her leave to proceed. We now move to the Vice Chancellor's response to the Supreme Court, which gives us strong insight into the gravity of the abuse that goes on.

The Comedy begins

The letter sent by more than 80 academics to the Council on 4th December 2013, did not so much as even receive an acknowledgement. But in her submission to the Supreme Court on 30th October 2014, the VC claims to have clarified matters relating to that letter in her response to the Secretary/ Higher Education on 20th August 2014 and says that we had not responded to this. We are categorical that nothing was addressed to us. Her letter to the Secretary/HE was by chance forwarded to us by Prof. Rajiva Wijesinghe and we had in fact responded to it on 7th September 2014, sent her a copy (End Note 3) and also published it in *Colombo Telegraph*. We will refer to it in due course.

Distorting Circulars to Substitute ‘Performance’ for Academic Merit

The letter of over 80 academics quoted the relevant part of Circular 935, **“If the Selection Committee is not satisfied with the performance of candidate/candidates, but otherwise well qualified, such candidate/candidates be appointed as Temporary Lecturer/Lecturers for a period of one year and at the end of such period of such period they may be appointed as Lecturer (Probationary) having been subjected to another interview and presentation.”** The VC faults us for omitting the first sentence, “If the selection Committee is satisfied with the performance (i.e. a short lecture) of the candidate...they will be appointed...depending on the vacancies.” By isolating this sentence from the rest of the circular she makes the ‘performance’ the sole or main basis for the appointment, which is rather disingenuous.

The earlier Circular 721 of November 1997 on the recruitment of Probationary Lecturer, specified for Category (1) only a degree in the relevant subject with a first class or second upper, together with one year’s experience in teaching or its equivalent. Academic merit was the criterion for selection and teaching was added only to ensure that the person will not be a disaster as a teacher.

Circular 935 of October 2010 makes it clear at the beginning that its purpose, and only purpose, is to relax the requirement of one year’s teaching experience and substitute instead a presentation before the selection committee to prove their teaching ability. Circular 721 lays emphasis on academic performance and called for a year’s teaching experience only to be satisfied that the candidate could teach. This was the intended purpose of the performance in Circular 935, which was meant only to relax the one year’s teaching requirement.

The Vice Chancellor has reduced these circulars to, “If the Selection Committee is satisfied with the teaching skill (i.e. performance), they will be appointed.” This allows for outright favouritism. It is to guard against this that Circular 935 urges the recruitment on trial of one who is academically well-qualified even if the performance was unsatisfactory.

Our point is that the Selection Board should not close their minds once they are satisfied with the performance of a candidate. There are dilemmas when two candidates are very close in academic performance, qualified in different years or in different universities. The circular requires them to evaluate all relevant attributes and when an outstanding candidate is found, that candidate should be selected irrespective of the performance. The performance is only used to determine whether

the well qualified candidate's appointment is permanent or on a year's trial after which the performance should be evaluated again for a permanent appointment.

The Vice Chancellor's defence in her submission to the Supreme Court is based on distorting the regulations and playing with words. She lays much stress on what she calls an objective marking scheme giving 100 marks – and here is the trick – supposedly in keeping with the above mentioned circular (i.e.935):

- i) 50 for basic degree (50 for 1st Class and 40 for 2nd Upper)
- ii) 20 for presentation skill and subject knowledge
- iii) 30 for Vision, Creativity, Research and Overall Performance at Interview

Subject knowledge and academic ability as we pointed out have been tested over four years by several examiners. How could even a very astute selection board test vision, creativity and subject knowledge in a 15 minute interview, or even hold a pretence to doing so? That is a strong indication that this so-called objective marking scheme is *mala fide*.

The Mysterious Objective Marking Scheme

The Vice Chancellor is very vague about the origin of this objective marking scheme which she says was adopted by the University around 2010. Legal propriety requires that every law must have the exact date and the authority that passed it. In her response to the Secretary/HE, she says 'unfortunately the Faculty of Science did not accept to follow (sic) this marking scheme'. In her letter dated 11th October 2013 to the Superintendent of Audit on appointments to lecturer probationary in 2012 and 2013, she claims that the marking scheme was adopted by the Senate in the wake of UGC Circular 935 of 25th October 2010. In a letter to the Human Rights Commission on Ravivathani's complaint dated 13th June 2014, the VC again says that the marking scheme was adopted by the Senate.

The 'Objective Marking Scheme' is a confidence trick based on a deliberate misrepresentation of rules clearly laid down in the Universities Act. It is only the UGC that has power to determine schemes of recruitment. Among the powers of the UGC, Section 15 (ix) of the Universities Act reads:

“to formulate schemes of recruitment and procedures for appointment of the staff of the Higher Educational Institutions...;”

Section 46 (6) on the powers of the Senate does not give it the power to formulate schemes of recruitment. If the Senate wanted to adopt a particular scheme for that university, it would have to go through the Council and obtain UGC approval. In this instance nothing of that kind was done. Even if the Senate was empowered to enact a scheme, how the Science Faculty could opt out is not explained. If the Senate decides within its powers, it has to be enforced in all faculties. It is easy to see that the 'objective scheme' is a recipe for blatant favouritism.

In Ravivathani's case, although she topped the batch, both she and the selected candidate being in the 1st Category (1st Class or 2nd Upper) obtained 50 each for the degree. But for the interview comprising parts ii and iii above, where in the award of marks subjectivity plays a large part, the selected candidate and Ravivathani were given respectively 40 and 27. The following immediately raises strong suspicion of blatant favouritism:

While the selected candidate was given 40 out of 50 for the interview, the average for the remaining five 1st classes who faced the interview was 16.6. The candidate who topped the 2013 batch obtained a mere 14 out of 50 (6 out of 20 for subject knowledge and presentation and 8 out of 30 for vision, creativity, research and performance at the interview). How the selected candidate obtained 15 out of 20 for subject knowledge and presentation, while the candidate who topped the next batch got only 6 is hard to explain. The mixing of diverse things as subject knowledge with presentation in one category must be confusing for the selection board. There is nothing objective about the marking scheme. There are three other matters which make things far worse.

In the Light of the VC's Submission to the Supreme Court

Ravivathani had been selected to teach on the temporary staff from 6th November 2012 and taught for 15 months until March 2014. The selected candidate, who was earlier rejected for the temporary position in November 2012 and was selected in May 2013, stated in her application that she had taught from April 2012, giving her considerably greater teaching experience. Ravivathani had said in her letter to the Council that 'Even though [the selected candidate] has included several papers, she has failed to submit some papers, even an abstract...'

The VC admitted to the Supreme Court that while the selected candidate had 'erroneously indicated' the date of her appointment as temporary lecturer, 'this was verified at the interview' and the candidate's explanation that this resulted from an 'oversight' was accepted by the Selection Committee.

On the second, the VC told the Court that the Selection Committee checked and found the candidate's research claims to be accurate and qualified this by adding that the candidate was working on certain papers that were not published at that point. Failing to mention something significant may be an oversight, but this is unlikely when a candidate adds a year to her experience and is placed ahead of her rival. The VC added that this did not advantage the candidate as previous experience did not carry marks (although asked for in the application form).

In her submission to the Supreme Court the Vice Chancellor has admitted the complainant's claim that there were significant errors in the qualifications of the selected candidate as stated in her application form. But then Ravivathani's complaint to the Council was simply ignored. If as the VC says the Selection Committee was appraised of these inaccuracies and accepted the selected candidate's explanation, the matter should have been minuted and sent to the Council, which is the final authority approving the selection, along with the schedules and selection documents. But this was not done. The

Council was sent the uncorrected schedule of the selected candidate and passed the appointment on misinformation, although it had at the council meeting Ravivathani's ignored appeal.

Responding to the Human Rights Commission on 13th June 2014 to Ravivathani's complaint, the Vice Chancellor wrote, "all documents were checked at the interview to ascertain whether the information given in the applications by the applicants is correct." And, "It is clearly revealed that the human rights of the Complainant have not been violated by the University by any form of way (sic)." Here too there is no admission that the complainant was right about false information in the schedule or that the Selection Committee dealt with these.

The third and most serious element in Ravivathani's complaint to the Council (which the VC had omitted to answer in the response to the Human Rights Commission) was her absence from nearly the whole of Ravivathani's interview.

To axe a candidate without the chairman of the board in attendance

From accounts checked by us, soon after Ravivathani's interview had commenced, about 10.00 AM, the VC who was the chairman of the selection board, received a call on her hand phone. She left the board room passing the five candidates awaiting their turn in the lobby and went to a function in the renovated Registrar's office. She did not go to her office to answer any urgent call from the UGC Chairman as she has claimed in her response to the Supreme Court, but in the opposite direction. She was not present for the remainder of Ravivathani's interview. The remaining five candidates were interviewed after the VC returned. But the VC has sworn on oath to the Supreme Court that she was absent only briefly to answer an urgent phone call from the UGC Chairman, and then continued to interview Ravivathani. Moreover, she has sworn that the marks given at the interview and endorsed by her for items including subject knowledge, vision, creativity etc were fair and equitable for all candidates.

This claim in the VC's submission to the Supreme Court has so far been supported on oath (by signing identical petitions) only by the Dean of Management Prof. Velnampy and a council nominee, T. Rajaratnam. It is reasonable to assume that the same draft petition was sent to the other three members of the selection committee, V.A.

Subramaniam (Head/ Financial Management), S. Balaputhiran (Senate Nominee) and M. Balasubramaniam (Council Nominee), who have not supported the VC's submission to the Supreme Court with all her claims above. Ironically, here too the VC could claim that the Selection Committee was 'unanimous' by their signatures placed on the selection form!

An interesting claim made by the VC is that the selected candidate's unpublished or incomplete research papers were accepted as 'accurately depicted'. Research papers are meant to be peer reviewed, but here it seems that one could show even incomplete papers to a selection committee, which may have only one subject specialist, and have them accepted in a couple of minutes. It gives a poor picture of what passes for research in Jaffna University. We pointed out in our observations on the VC's response to Secretary/HE (End Note 3) that the inclusion of research for the selection of probationary lecturers is inappropriate:

“The introduction of research as a criterion for young applicants to Lecturer (Probationary), who at best did a peripheral undergraduate project, and have no proper research qualification, is inappropriate. Circular 721 specifies only ‘a Degree with specialization in the relevant subject’. As will be seen, the use of ‘research’ in the ‘objective scheme’ opens the door to abuse.”

We may conclude from what has been said above that the Vice Chancellor’s response to the charges made by Ravivathani is a tissue of falsehood, unworthy of the head of a university. Such standards even among examiners would completely devalue the university system.

Having come to this conclusion about the value of the VC’s word, we quickly examine two other cases we have touched before.

Nilani Kanesharatnam

Nilani Kanesharatnam, the candidate who was rejected for a position in Zoology, not only topped the list with a GPA of 3.72, but after being a demonstrator was selected as a temporary lecturer and has a considerable output of research publications. In the case of the selected candidate, the University of Peradeniya did not extend her stay after she served as demonstrator for a year, has little evidence of research and had decided to go into school teaching rather than do a higher degree.

The Vice Chancellor says in her response to Secretary/HE, **“The candidate who was selected for the appointment performed well in her presentation and overall performance and proved her subject knowledge.”** This after the VC having said earlier in the same response and again in her submission to the Supreme Court that the ‘objective marking scheme’ used by the University does not apply to the Science Faculty.

In this case what is applicable is Circular 935 and the presentation and subject knowledge tested at the interview do not enter into the selection as opposed to the certified record of the candidate. In our response in End Note 3, we pointed out that the objective marking scheme which pretends to test subject knowledge at the interview is essentially fraudulent and a mere recipe for favouritism.

Nilani testifies that in the considerable time she spent at the interview, her presentation was stopped quite soon after it started and she was not asked one question about subject knowledge in Zoology. Most of the time was spent on the Vice Chancellor’s questions relating to Biochemistry and her research.

Further inquiry revealed to us that in fact, as Zoology was in Science, no marking scheme was used by the selection board. We learn that the Head had already decided to select Nilani. The Vice Chancellor asserted at the end of the interviews that the candidate who was about the lowest qualified should be selected. Neither the Dean nor the Head objected. The Head of Fisheries who was on the selection board too said nothing. And so the Vice Chancellor’s choice was carried unanimously – the VC touts unanimity regularly to show that her selections are above board.

Computer Science

Here the Vice Chancellor states in her response to the Secretary/HE that ‘four candidates appeared for the interview held on 08.05.2012, but the Selection Committee [was] disappointed with the performance of the candidates, especially on their subject knowledge and the presentation skill’ (see End Note 3).

Further, among these four candidates, three First Class candidates (one with GPA as high as 3.80) are from the Computer Science Department of Jaffna University. In the Selection Board the Head of Computer Science was the main person tasked to evaluate the subject knowledge of candidates. If he rejects his own First Class students attributing to them unsatisfactory subject knowledge, where he would himself have set question papers and marked them, then he has to answer deeper and troubling questions about his teaching, examination and evaluation methods.

Here too there seems to be a covert or unconscious mixing up of the ‘objective marking scheme’ which distorts the selection process. When operating with a bad and confused scheme academics too lose their ability to think. We understand that Miss Gunesingam who topped the batch with GPA 3.8 was shy to speak. This we have to allow for in the war-torn North where it would take several years for young people without exposure to speak confidently in English.

It has already been stated in Commission Circular 935 that presentation skill or performance cannot contribute to selection. In this case a candidate who is markedly above others in qualification should, as provided in Circular 935, have been selected on trial and tested a year later.

Our Demand

The foregoing points to abuses in recruitment to academic positions having been all too common for some time and flagrant in recent years. The Council showed its arrogance or indifference in ignoring the letter signed by more than 80 academics over a year ago. And yet the Supreme Court took it seriously enough to grant leave to proceed in the case of one complainant. Should we expect anything less from our own Council? Even worse, as our reports in the End Note show, these abuses have been allowed to continue unchecked. We demand immediately:

1. An objective and credible inquiry into the abuses reported in consultation with academic and non-academic unions.
2. The inquiry should restore fair procedures for recruitment as provided in the circulars.
3. Recruitment of non-academic staff from political lists should be stopped and the right of all citizens to compete on equal terms as provided in the laws of the land should be enforced.
4. Candidates turned down for academic positions whose certified records show them to be outstanding must be taken into the university service without delay. Among them are Miss Nilani Kanesharatnam (Zoology), Miss Ravivathani Thuraisingam (Financial

Management) and Mrs Jeevaki Sainirupan, nee Gunesingam, (Computer Science). The position of those recruited in their place should depend on the outcome of the inquiry.

The Council must take responsibility for the abuses noted above. After several reports, its members are well-informed of what is happening. . If they are unwilling to clean up the mess, we urge them to resign and make room for others who are willing to stop the abuses and raise the standing of our university.

Yours sincerely,

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Prof.J.P. Jeyadevan
President/JUSTA

End Note

1.) 4th December 2013: Selection to Academic Positions in the University

<https://www.colombotelegraph.com/index.php/justa-faults-selection-procedure-for-academic-positions-on-campus/>

2.) 30th July 2014: DISCRIMINATING AGAINST EXCELLENCE: ABUSES IN RECRUITMENT PRACTICES AT THE UNIVERSITY OF JAFFNA

Summary, The Island 31 July 2014: http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=107720

Report: http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=107736

<https://www.colombotelegraph.com/wp-content/uploads/2014/08/Academic-Criteria-FINAL-30-Jul-Clean.pdf>

20 August 2014: Vice Chancellor's response to the summary above

<https://www.colombotelegraph.com/wp-content/uploads/2014/09/VC-response-to-JUSTA-on-Recruitment.pdf>

3.) 7th September 2014: Observations by the JUSTA Subcommittee for Academic Integrity to the Jaffna University Vice Chancellor's Response to our Summary of 'Discriminating against Excellence'

<https://www.colombotelegraph.com/index.php/ugc-should-no-longer-delay-an-inquiry-into-jaffna-uni-issues-justa/>

4.) 8th December 2014: The Jaffna precedent in University council appointments and militarization of Education in Sri Lanka

<https://www.colombotelegraph.com/index.php/the-jaffna-precedent-in-university-council-appointments-and-militarization-of-education-in-sri-lanka-justa/comment-page-1/>