CHALLENGES AFFECTING THE IMPLEMENTATION OF AFFIRMATIVE ACTION IN THE RECRUITMENT AND PLACEMENT OF SECONDARY SCHOOL TEACHERS IN KISUMU WEST SUBCOUNTY

BY

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Challenges affecting the implementation of

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Declaration

Research project report is my original work and has not been presented to any other institution of learning for the award of any diploma or degree.

Signature ........................................ Date ................................

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This research project report has been submitted to Kenyatta University with my approval as the candidates' research project supervisor.

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DEDICATION

This research project report is dedicated to my father, mother, brothers and sisters their love, unending support and encouragement boosted me during my studies.
ACKNOWLEDGEMENT

This research project report is the product of various people who over the years have inspired and encouraged me. My gratitude goes to my supervisor Mr Murungi who guided me wholeheartedly during the writing of the report. I would also like to thank the management and staff of Kenyatta University who provided the facilities and direction during the project report writing. They gave me the vital knowledge that led to the success of this study. I can’t forget the management and staff of Kisumu West Sub County schools. Their participation contributed immensely to the achievement of the research objectives.
Kenya has witnessed massive gender discrimination. Whether such discrimination lingers today is a central element of an analysis of affirmative action. The conclusion is clear: discrimination and exclusion remain all too common. There has been undeniable progress in many areas. Nevertheless, the evidence is overwhelming that the problems affirmative action seeks to address widespread discrimination and exclusion and their ripple effects continue to exist. Minorities and women remain economically disadvantaged. The female unemployment rate remains over twice the male unemployment. The study was on the challenges affecting the implementation of affirmative action in Human resource management in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County. Affirmative action was established as part of society's efforts to address continuing problems of discrimination. The objectives of the study were to determine whether academic qualification is a challenge affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County; to investigate whether public perception is a challenge affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County; to establish whether corruption is a challenge affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County; and to find out whether ethnicity is a challenge affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County. The study will benefit the Kisumu West Sub County to appreciate the importance of affirmative action. They will therefore be able to strengthen the affirmative action programmes. The study will help the researcher to attain a Masters in Business Administration. It will also form a basis for future research. The researcher used simple random sampling and purposive sampling to sample. Questionnaires were the main tools of data collection. Data was analyzed using descriptive statistics. The findings were presented in tables, pie charts and graphs. From the findings of the study it can be concluded that academic qualification, cultural attitudes and bribery are challenges affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. However the majority disagreed that ethnicity is a challenge. The researcher would like to recommend to the government through the relevant ministries to offer bursaries and loans to the disadvantaged so that they can acquire the right qualifications and take advantage of the affirmative action. The public should also be educated so that they can change their cultural attitudes and accept that even the disadvantaged groups can also lead and work. KACCA should also be vigilant and monitor education officials who are compromised through bribes. And finally the government should strengthen and implement according to the constitution that at least each ethnic group is equally represented in all ministries. The study was on the challenges affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Other researchers should do studies to determine the challenges affecting the implementation of affirmative action in the manufacturing sector.
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CHAPTER ONE

INTRODUCTION

1.1 Introduction

This chapter discusses the background of the study, statement of the problem, research objectives, research questions, significance of the study, limitations of the study, scope of the study and conceptual framework.

1.2 Background of the Study

Affirmative action, which has been around for nearly thirty years, has done its job. It came about through the civil rights era and was to promote a more diversified educational experience for all ethnic groups, Selingo (2000). Thus allowing for minority students an opportunity to apply for and enter an institution of higher learning no matter what color skin they have. However, in the process of affirmative action to achieve its goals, it has created dependency and tension. Dependency has taken root on the part of minority groups and tension has arisen from those students who receive reverse discrimination. Affirmative action is longer needed for entrance to high learning. The goal of affirmative action was to help relieve "the past effects of discrimination by giving some form of preferential treatment to ethnic minorities and women" (The Concise Columbia Encyclopedia, 1995). The program helped to jump-start our society by becoming more widely diversified and ethnically mixed in higher education. This has been achieved through opening doors that may not have been as accessible without affirmative action. Affirmative action, however, can be compared to that of "developing nation status". In economics, "developing nation status" is given to certain countries that are in their infancies and are not yet able to compete with others in the world market. Yet, problems arise when a particular country and/or industry, after competing in the world economy, still feels that it needs preferential treatment. How much time is sufficient?

The current scope of affirmative action programs is best understood as an outgrowth and continuation of our national effort to remedy subjugation of racial and ethnic minorities and of women -- subjugation in place at our nation's founding and still the
law of the land within the lifetime of "baby-boomers.", Pilkington, (2003). Some affirmative action efforts began before the great burst of civil rights statutes in the 1950s and 1960s. But affirmative efforts did not truly take hold until it became clear that anti-discrimination statutes alone were not enough to break longstanding patterns of discrimination. For much of this century, racial and ethnic minorities and women have confronted legal and social exclusion. African Americans and Hispanic Americans were segregated into low wage jobs, usually agricultural. Asian Americans, who were forbidden by law from owning land, worked fields to which they could not hold title. Women were barred by laws in many states from entering entire occupations, such as mining, fire fighting, bartending, law, and medicine, Shleifer, (1993).

The first significant wave of progress in enhancing employment opportunities for African Americans and women came during the labor shortages of World War II and immediately afterwards, before the use of affirmative action. Nonetheless, racial separation continued, and African Americans were still segregated for the most part into low wage jobs into the 1960s. For Hispanic Americans, employment opportunity remained seriously restricted into the 1970s, Mizra, (2006). Whole industries and categories of employment were, in effect, all-white, all-male. In thousands of towns and cities, police departments and fire departments remained all white and male; Women and minorities were forbidden to even apply. In grocery and department stores, clerks were white and janitors and elevator operators were black. Generations of African Americans swept the floors in factories while denied the opportunity to become higher paid operatives on the machines. In businesses such as the canning industry, Asian Americans were not only precluded from becoming managers, but were housed in physically segregated living quarters. Stereotypical assumptions that women would be only parttime or temporary workers resulted in their exclusion from a full range of job opportunities. Newspaper job listings were segregated by gender. Women also confronted other barriers to full inclusion: lower pay and fewer benefits than men, even when performing similar jobs; losing their jobs if they married or became pregnant; and sexual harassment on the job, Kimura, (2006).

African Americans, even if they were college-educated, worked as bellboys, porters and domestics, unless they could manage to get a scarce teaching position in the all-
black school -- which was usually the only alternative to preaching, or perhaps working in the post office. In higher education most African Americans attended predominantly black colleges, many established by states as segregated institutions. Most concentrated on teacher training to the exclusion of professional education. Students who were interested in business had to take business education instead of administration. A few went to predominantly white institutions, in which by 1954, about one percent of entering freshman were black. Asian Americans and Hispanic Americans, were legally barred from attending some public schools. And women were systematically excluded from some private and state funded colleges, universities, and professional schools well into the 1970s. In general, it is clear that separation of the races and relegation of women to the sidelines remained the norm for most of this century, Jones,(2006).

The civil rights movement had its dramatic victories -- Brown v. Board of Education and the other cases striking down segregation, the Civil Rights Act of 1964, the Voting Rights Act of 1965 -- which helped advance the Constitution's promise of equal opportunity to all minorities and women. Even after passage of the civil rights laws beginning in the 1960s, however, the road to equal opportunity for minorities and women was difficult, and programs often very slow, Clare, (1983). These judicial and legislative victories were not enough to overcome long-entrenched discrimination, for several reasons. In part, these measures frequently focused only on issues of formal rights (such as the right to vote) that were particularly susceptible to judicial or statutory resolution. In part, the difficulty was that formal litigation-related strategies are inevitably resource-intensive and often dependent upon clear "smoking gun" evidence of overt bias or bigotry, whereas prejudice can take on myriad subtle, yet effective, forms. Thus, private and public institutions alike too often seemed impervious to the winds of change, remaining all-white or all-male long after court decisions or statutes formally ended discrimination.

As a result, both the courts and Republican and Democratic administrations turned to race- and gender-conscious remedies as a way to end entrenched discrimination. These remedies were developed after periods of experimentation had shown that other means too often failed to correct the problems. In July 1970, a federal district court enjoined the State of Alabama from continuing to discriminate against blacks in the
hiring of state troopers. The court found that "in the thirty-seven year history of the patrol there has never been a black trooper." The order included detailed, non-numerical provisions for assuring an end to discrimination, such as stringent controls on the civil service certification procedure and an extensive program of recruitment of minority job applicants. Eighteen months later, not a single black had been hired as a state trooper or into a civilian position connected with the troopers. The district court then entered a further order requiring the hiring of one qualified black trooper or support person applicant for each white hired until 25 percent of the force was comprised of blacks. By the time the case reached the Court of Appeals in 1974, 25 black troopers and 80 black support personnel had been hired. The U.S. Supreme Court ultimately affirmed the orders, Clare, (1983).

In Kenya in 2007, a constitutional amendment that would have created 50 special seats in parliament was thrown out due to lack of quorum to vote on it. The country came close to passing a law reserving positions for women at all levels of decision-making when such measures were included in a draft constitution drawn up by a National Constitutional Conference in 2003 and 2004. But the draft document was rejected in a 2005 referendum - due to widespread dissatisfaction with the Kibaki government of the time rather than specific opposition to the clauses on women. While Kenya continues to perform dismally where increasing the number of women in key positions of leadership is concerned, neighbouring Uganda and Tanzania have made giant steps in this area.

Uganda’s constitution has enshrined an affirmative action measure to boost female representation in government and public service. Through the system established in 1995, special seats for women were created in parliament, increasing the percentage of women lawmakers to about 25 percent, according to government figures. The same system specifies 30 percent representation of women in the public service. Similar initiative has been shown in Tanzania where parliament in 2000 passed a bill to increase seats for women in parliament and public service to at least 30 percent. Rwanda’s case has been the most spectacular, which now has the largest number of women in parliament - 56 percent - in the world. The country’s constitution provides for a quota system that reserves 24 out of 80 seats in the Lower House and six out of
20 in the Upper House for women. The constitution also requires that women fill 30 percent of policy-making posts in the public service. "I think in Rwanda the gap that was there between men and women is closing up; like you may realize, our percentages are at an all time high compared to years back, so for us, we are winning the fight for equality," says Winnie Muhumuza of the Rwanda Women’s Network. Rwanda’s experience demonstrates that quotas are a starting point for bridging the gender inequality gap in leadership.

Despite this lesson, Kenyan authorities have reneged on their pledge to reserve quotas for women in the public service as well as parliament. A presidential declaration in 2006 that women would be allocated 30 percent of appointments in the public service has not materialized. Three years later, women leaders are accusing authorities of lacking commitment to achieving this figure. Their displeasure intensified following the appointment of a 12-member team to help resolve disputes that have engulfed the ruling coalition government. An all-male team was appointed by the president Jan. 15 to the chagrin of women leaders who complained of being marginalized. Two women have since been added to the list following public outcry. But there is dissatisfaction still, as this is way below the promised target of 30 percent. "There is need for the presidential directive to be translated into a law, and mechanisms for implementation clearly stipulated," said Professor Wanjiku Kabira, a gender consultant with the Nairobi-based Collaborative Centre for Gender and Development. "Until this happens, the appointment of women will depend on the goodwill of those in power. The number of women in cabinet speaks for itself," she added. Currently, only seven out of a total of 37 ministers are women while out of 53 assistant ministers, only 6 are women.

Learning from Rwanda, Tanzania and Uganda, female parliamentarians and women activists in Kenya want to re-introduce debate on affirmative action and have it tabled before parliament. "We want to present it as a Bill but before that we would have to lobby our counterparts to support such an initiative," nominated Member of Parliament (MP) Millie Odhiambo told IPS. Passing such a bill, analysts say, remains a monumental expectation given that majority of MPs are men. Of the total 222 MPs, only 21 are women, an increase from 18 in the previous parliament. Kenya first
attempted to introduce affirmative action legislation in 2000, in a bill that was subsequently rejected by former president Daniel Arap Moi.

As debate on affirmative action for women heightens, it is becoming clearer that meeting MDG – Millennium Development Goals which stipulate gender quality in the political stratum may not be an easy task for Kenya. "With only a handful of women in politics, we have not made any progress in achieving MDG 3. It is a pity and it is shameful that we are lagging behind our neighbours, all who have made giant steps in this area," Monica Amolo, executive director of the Kenya Women Shadow Parliament noted.

The MDG in question is one of eight United Nations goals and seeks to promote gender equality and empowerment of women. Under this goal, countries are expected to formulate policies and legislation that ensure equal representation between men women in all decision making levels including politics. Some MPs as well as activists have stated that creating special seats for women in parliament does not comprehensively ensure political equality between genders, arguing that women must strive to win more elective positions.

"Women must also be encouraged to seek elective posts even though they face serious challenges as compared to male politicians," Amolo said. But female candidates who have attempted this in Kenya, including Amolo, face a host of obstacles, not least a lack of campaign resources, and traditional views of women that make little allowance for activities outside of the domestic arena, Eunice Wanjiru,(2009).

1.3 Statement of the problem

Affirmative action was established as part of society's efforts to address continuing problems of discrimination. Kenya has witnessed massive gender discrimination. Whether such discrimination lingers today is a central element of an analysis of affirmative action. The conclusion is clear: discrimination and exclusion remain all too common. There has been undeniable progress in many areas. Nevertheless, the evidence is overwhelming that the problems affirmative action seeks to address -- widespread discrimination and exclusion and their ripple effects continue to exist. Minorities and women remain economically disadvantaged: the female
The marked differences in economic status between men and women, clearly have social and economic causes in addition to discrimination. One respected method to isolate the prevalence of discrimination is to use random testing, in which individuals compete for the same job, apartment, or other goal. Researchers used matched resumes of men and women. In high-priced eateries, men were more than twice as likely to receive an interview and five times as likely to receive a job offer as the women. Apart from the remediation of and bull work against discrimination, a second justification offered for continuing affirmative action in education, employment and contracting is the need to repair the mechanisms for including all Americans in the economic mainstream. There is ample evidence to conclude that the problems to which affirmative action was initially addressed remain serious, both for members of disadvantaged groups and for America as a whole. However, affirmative action has been criticized. Under strong preferential treatment, decisions are based solely or primarily on demographic status. For example, merit is not measured, an unqualified minority is selected, or the less qualified minority applicant is favored. Some authors refer to this condition as discrimination in reverse. In most cases quotas would fall in this category because they require the selection of a certain number or proportion of minorities regardless of qualifications. Under preferential treatment (neither weak nor strong), decisions are based on both merit and demographic status, with the relative weighting left unspecified. The preferred minority is not said to be unqualified. Under weak preferential treatment, decisions favor the more qualified applicant unless qualifications are equivalent, in which case the minority applicant is favored. Under merit, decisions are said to be based solely on merit, which presumably is an indication of the individual's ability to perform well. When
procedures attempt to eliminate discrimination, they include actions designed to do away with existing barriers to success. Compensatory procedures include other actions designed to help minorities (e.g., training, career guidance), but decisions are based solely on merit. Diversity procedures include efforts to increase the diversity of the workforce (e.g., through recruitment), but decisions are based solely on merit. Affirmative action has therefore led to a situation where the disadvantaged groups end up getting preferential treatment in employment. However the implementation of affirmative action has faced certain challenges The study investigated the challenges affecting the implementation of affirmative action in HRM in the recruitment, selection and placement of secondary school teachers by the BOG in Kisumu West Sub County.

1.4 Objectives of the study

General Objective

To determine the challenges affecting the implementation on affirmative action in the recruitment and placement of secondary school teachers in Kisumu west sub County

Specific objectives

(i) To determine whether academic qualification is a challenge affecting the implementation of affirmative action in the recruitment and placement of secondary schools teachers in Kisumu West Sub County.

(ii) To investigate whether cultural attitude is a challenge affecting the implementation of affirmative action in the recruitment and placement of secondary school teachers in Kisumu West Sub County.

(iii) To establish whether bribery is a challenge affecting the implementation of affirmative action in the recruitment, and placement of secondary school teachers in Kisumu West Sub County.
To find out whether ethnicity is a challenge affecting the implementation of affirmative action in the recruitment and placement of secondary school teachers in Kisumu West Sub County.

1.5 Research questions

(i) Is academic qualification a challenge affecting the implementation of affirmative action in the recruitment and placement of secondary school teachers in Kisumu West Sub County?

(ii) Is cultural attitude a challenge affecting the implementation of affirmative action in the recruitment, and placement of secondary school teachers in Kisumu West Sub County?

(iii) Is bribery a challenge affecting the implementation of affirmative action in the recruitment and placement of secondary school teachers in Kisumu West Sub County?

(iv) Is ethnicity a challenge affecting the implementation of affirmative action in the recruitment, and placement of secondary school teachers in Kisumu West Sub County?

1.6 Significance of the study

The study will benefit the schools in Kisumu West Sub County to appreciate the importance of affirmative action. They will therefore be able to strengthen the affirmative action programmes. The study will help the researcher to attain a Masters in Business Administration. It will also form a basis for future research. The research findings will be used by the government officials purposes of formulating policies on affirmative action especially in areas of education, employment and politics. The general readers will also read and gain knowledge for the sake of it. The civil rights movements will use it to promote the status of women and other disadvantaged groups. The knowledge and information gained by the government and international organizations will be used to develop appropriate labor laws. The knowledge will be
internalized by managers and this will prompt them to start practicing affirmative action thereby enhancing equality at workplace.

1.7 Limitations of the study

The study was only done in public secondary schools in Kisumu West Sub County and therefore the findings might not be generalizable to other areas. This was solved by recruiting a large sample of respondents. Some respondents doubted the intentions of the researcher, however the researcher availed a letter of introduction from Kenyatta University to avert the doubts. The study did not capture all public secondary schools because of financial constraints, time and the terrain of the place.

1.8 Scope of the study

The study was on the challenges affecting the implementation of affirmative action in HRM in the recruitment, selection, and placement of secondary school teachers by the board of governors in Kisumu West Sub County. The study was only done in the secondary schools in Kisumu West Sub County. It was done between August 2012 and October 2012. The targeted population was the principals, deputy principals, Heads of departments and chairpersons of the BOG. The total population was 169. The concepts that were dealt with included education qualification, cultural attitude, bribery and ethnicity.
CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The literature review discusses literature related to the challenges affecting the implementation of affirmative action in human resource management in the recruitment, selection and placement in secondary school teachers by the board of governors. It includes literature on academic qualifications, public perception, corruption and ethnicity. It also looks at the Critical Review and summary and gaps to be filled by the study.

2.2 Empirical Review

2.2.1 Academic qualifications

In selection situations, fairness ratings are affected by the qualifications of the selected and rejected candidates. Nacoste (1985, 1987; Nacoste & Lehman, 1987) created scenarios in which two people were competing for a fellowship, and asked respondents to play the role of the winning candidate. Fairness ratings were higher when the more qualified candidate was selected. Using a similar experimental procedure, Arthur, Doverspike, and Fuentes (1992) found that fairness ratings were higher when qualifications of the selected minority candidate were equal rather than inferior to qualifications of the rejected majority candidate. In Mann and Fasolo (1992), in contrast, the effect of qualifications on ratings of decision fairness did not quite attain traditional levels of statistical significance (p < .08). In Gilliland and Haptonstahl (1995), fairness ratings were highest when the better qualified majority candidate was selected, intermediate when the majority and minority candidates had equal qualifications (regardless of who was selected), and lowest when the poorer qualified minority candidate was selected. In Heilman, McCullough, and Gilbert (1996), fairness ratings were higher when qualifications of the selected female candidate were equal or superior to those of the rejected male candidate than when they were inferior. Singer (1990, 1992) provided more precise tests of the importance of candidate qualifications by manipulating the test scores of the selected and rejected
candidates. Fairness ratings were monotonically related to the difference in scores. That is, the larger the superiority of the selected candidate, the higher the fairness rating. Contrariwise, the larger the superiority of the rejected candidate, the lower the fairness ratings. The relative impact of the difference in qualifications was largest when the difference was smallest (i.e., when qualifications of the two candidates were almost identical); the fairness rating function was steepest near the zero point.

In summary, research on qualifications clearly reveals that fairness ratings increase along with the superiority of the selected over the rejected candidate. This research relates to the work on AAP structure because underqualified candidates can only be selected if demographic status is given positive weight. Thus, we now turn to research that has directly addressed the effect of AAP structure on evaluations of the affirmative action plan.

In selection situations, fairness ratings are affected by the qualifications of the selected and rejected candidates. Nacoste (1985, 1987; Nacoste & Lehman, 1987) created scenarios in which two people were competing for a fellowship, and asked respondents to play the role of the winning candidate. Fairness ratings were higher when the more qualified candidate was selected. Using a similar experimental procedure, Arthur, Doverspike, and Fuentes (1992) found that fairness ratings were higher when qualifications of the selected minority candidate were equal rather than inferior to qualifications of the rejected majority candidate. In Mann and Fasolo (1992), in contrast, the effect of qualifications on ratings of decision fairness did not quite attain traditional levels of statistical significance (p < .08). In Gilliland and Haptonstahl (1995), fairness ratings were highest when the better qualified majority candidate was selected, intermediate when the majority and minority candidates had equal qualifications (regardless of who was selected), and lowest when the poorer qualified minority candidate was selected. In Heilman, McCullough, and Gilbert (1996), fairness ratings were higher when qualifications of the selected female candidate were equal or superior to those of the rejected male candidate than when they were inferior. Singer (1990, 1992) provided more precise tests of the importance of candidate qualifications by manipulating the test scores of the selected and rejected candidates. Fairness ratings were monotonically related to the difference in scores. That is, the larger the superiority of the selected candidate, the higher the fairness
rating. Contrariwise, the larger the superiority of the rejected candidate, the lower the fairness ratings. The relative impact of the difference in qualifications was largest when the difference was smallest (i.e., when qualifications of the two candidates were almost identical); the fairness rating function was steepest near the zero point.

2.2.2 Cultural attitude

The controversy surrounding affirmative action is directly related to public cultural attitude -- or misperceptions -- of the policy, coupled with its equivocal nature. Lack of specific guidelines for the execution of the policy has led to variations in actual practice; this lack of uniformity lends itself to ideological clashes regarding the nature of affirmative action and practical ones concerning its implementation. Points of contention and the arguments (both for and against) include the following: Detractors of affirmative action claim that the policy divides society along lines of race, ethnicity, gender, and nationality by creating groups whose membership is determined by those labels. It is empirically argued that affirmative action provokes racial tension due to raising race-consciousness. (Fish 2000) However, the program cannot simply be eliminated because it makes people aware of racial conflicts. A program that attempts to eliminate race and gender inequality without leading people to be conscious of their racial identity is virtually impossible to design. Discrimination and racial and gender segregation existed even prior to the introduction of the affirmative action program, and the elimination of such program wouldn’t guarantee the end of racial hostility and discriminatory practices (Bergman 1996). Supporters argue that labels serve to place achievement in contexts of cultural strengths or obstacles and that minority status is a framework for the interpretation or determination of what constitutes achievement (Butler 1996).

Critics would argue that affirmative action is demeaning to minorities by sending them the message that they are “not capable enough to be considered on their own merits” (Strauss 1995). Supporters argue that affirmative action is effective in increasing diversity within institutions and organizations and that its compensatory nature outweighs such imperfections (Green 1976). Detractors maintain that the policy is contradictory in that it requires the “establish[ing of] goals to reduce or overcome the under-utilization [of minorities and females]” but that “the actual selection decision is to be made on a non-discriminatory basis” (Dept. of Labor
2002). Additionally, quotas are illegal in the United States; thus, much effort has been made to prove that affirmative action “goals” are not in fact quotas (Strauss 1995). Proponents argue that a quantifiable and dynamic system of measuring progress is thus far the most effective method of enacting affirmative action policies (Green 1976). Additionally, a section in the Civil Rights Act of 1964, Title VII, which states that none of its provisions should be interpreted as requiring “preferential treatment” for any individual, rebuts the idea that affirmative action is based on a system of quotas. (Brunner, Borgna).

Opponents of affirmative action assert that in the American tradition of limited government involvement in the private sector, the burden ought to be upon minority communities themselves, in place of the federal government, to rectify cultural obstacles to achievement; they further maintain that these cultural aspects of minority communities are more profound impediments towards economic equality of the races than is socioeconomic status (Gryphon 2005). Defenders of affirmative action argue that socioeconomic problems, and not strictly cultural problems, are responsible for impeding equality of economic opportunity and that the federal government is thus justified in taking the appropriate actions to rectify them (Green 1976).

One of the most common moral arguments against affirmative action is that it violates our societal value of individualism and merit. (Skrentny 1996) People with more liberal views tend to argue that the individual is the singular unit of society and that our society is designed to allow each individual to fulfill his own desires. Affirmative action, they argue, eliminates this concept of individuality by placing people in different groups according to certain characteristics such as race or gender (Skrentny, 1996). Those arguing in favor of affirmative action claim that sex and race are often taken into account whether affirmative action exists or not. And based on empirical evidence, individuals of a race or gender that is discriminated against are judged based on those characteristics before considering their merit or qualification for the job or university. (Skrentny, 1996)

Discrimination is understood as the differential treatment of individuals belonging to particular groups or categories in society. There are three primary sources of discrimination; these include psychological, social, and historical reasons. Psychologically, discrimination can be a subconscious reaction to race, moral values,
likes and dislikes, preferring to associate themselves with others similar to them. For instance: a questionnaire which asked 52 black college students what their views on affirmative action were ("Would you be glad if there were more African Americans in their workplace?") resulted in an overwhelming majority (92%) answering in the affirmative, while 8% were undecided. No one, however, responded negatively to the question. This serves to emphasize that people tend to prefer the company of others like them and sheds light on the reason why white males prefer to work with other white males, to the exclusion of other gender, racial and ethnic groups. (Bergman, 1996)

Additionally, human beings have an innate tendency to resist change. Promotion and hiring decisions are very cautiously analyzed, given that a poor decision could result in grave consequences for the organization's success. Employers are inclined to making hiring and promotion decisions based on what has proved effective in the past. Therefore, hiring a woman or a black person for what had been a predominantly white male position can be seen as a risk many employers are reluctant to take. (Bergman, 1996)

The social phenomenon partially responsible for discrimination is stereotyping. People have a tendency to label and group others, and to generalize what those members are like. Stereotypes are notorious for stressing the negative qualities of a given group, usually based on the fact that some of its members, deservedly or undeservedly, possess that quality. It is arguably much easier to accept generalizations of groups than to explore the intricacies of their individual characters. The result is discrimination, founded upon baseless reputations. (Bergman, 1996). And lastly, discrimination still exists and remains inertial due to the influence of historical factors. Racial minorities and women have been consistently discriminated against throughout history, usually in very extreme manners. Although discriminatory practices change as societies develop and transform, some discriminatory practices persist systematically as part of the cultural framework.

2.2.3 Bribery

Bribery is one form of corrupt practices that may make the recruitment and selection panels not to honor the affirmative action implementation requirements. Controversy
over corruption begins with its definition. The term “corruption” has been used to refer to a wide range of illicit or illegal activities. Although there is no universal or comprehensive definition of what constitutes corrupt behavior, the most prominent definitions emphasize the abuse of public power or position for personal benefit. Mark Philip identified three broad definitions most commonly used in the literature: public office-centered, public interest centered, and market definitions. These three types of definitions are used as starting points for analyzing political corruption in Heidenheimer’s Political Corruption (1970) and its successor volume edited by Heidenheimer, Johnston Public office-centered corruption is defined as behavior that digresses from the formal public duties of an official for reasons of private benefit. J.S. Nye provides an example of a public office-centered definition: Corruption is a behavior which deviates from the formal duties of a public role because of private regarding (personal, close family, private clique) pecuniary status gains; or violates rules against the exercise of certain types of private regarding influence. This includes such behavior position of trust); nepotism (bestowal of patronage by reason of a scriptive relationship rather than merit); and misappropriation (illegal Nye’s definition avoids mention of the public interest, which Nye considers to be affected by corruption, rather than a component of the phenomenon of Public interest corruption.

Centered definitions, on the other hand, focus on behaviors which impact negatively on the welfare of the public. In the words of Carl Friedrich: corruption can be said to exist whenever a power-holder who is charged with doing certain things, i.e., who is a responsible functionary or office holder, is by monetary or other rewards not legally provided for, induced to take actions which favor whoever provides the rewards and thereby does damage to the public and its interest.

Neither public office-centered or public interest-centered definitions provide a consensus as to the standards that should be utilized to determine what constitutes “private regarding pecuniary status gains” or actions that “damage the public and its interest,” for example. It is ambiguous whether these standards should be established from public opinion, legal norms, or norms derived from modern western democratic systems. Market-centered definitions base their analysis of corruption on social or public choice theory, utilizing an economic methodology within a political analysis. Two such definitions, by Nathaniel Leff and Jacob van Klavern, follow: corruption is an extralegal institution used by individuals or groups to gain influence over the
actions of the bureaucracy. As such the existence of corruption per se indicates only that these groups participate in the decision-making process to a greater extent than would otherwise be the case. Corruption means that a civil servant abuses his authority in order to obtain an extra income from the public. Thus we will conceive of corruption in terms of a civil servant who regards his office as a business, the income of which he will seek to maximize. The office then becomes the maximizing unit. Philip concedes that market-centered definitions might adequately demonstrate under what conditions it becomes more or less likely that individuals will engage in corrupt practices. However, he discredits the ability of market centered definitions to address what distinguishes corrupt from no corrupt behavior. Philip goes on to argue that definitional disputes over political corruption are rooted directly in the lack of consensus over what comprises the “naturally sound condition of politics” from which corruption is a deviation. Many recent academic studies and international organizations have opted in favor of more minimalist definitions, sufficiently broad to encompass most cases of corruption. Increasingly, corruption is defined simply as “the misuse of public power for private profit or political gain.” Similar definitions are used by Transparency International and the Asian Development Bank. The World Bank takes its minimal working definition—the abuse of public office for private gains—and fleshes it out by identifying specific abuses:

Public office is abused for private gain when an official accepts, solicits, or extorts a bribe. It is also abused when private agents actively offer bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets, or the diversion of state revenues. Like most definitions, the World Bank’s definition places the public sector at the center of the phenomenon. Ultimately, as the Council of Europe noted, “no precise definition can be found which applies to all forms, types and degrees of corruption, or which would be acceptable universally as covering all acts which are considered in every jurisdiction as contributing to corruption.” However, “the abuse of public office for private gain” is increasingly used as a functional definition. This practice is supported by Kaufmann who found empirical support for relying on corruption, once broadly defined, can then be further broken down in this minimalist definition as a workable definition for corruption in many ways and into many categories. Corruption can be
described according to where it occurs: at the political or bureaucratic levels of the public sector, or within the private sector. It can be defined according to its intensity: whether it is isolated or systematic. Other specifications include: grand versus petty, local versus national, personal versus institutional, and traditional versus modern. Syed Hussein Alatas developed an extensive typology around his minimalist definition: "corruption is the abuse of trust in the interest of private gain." He identified transactive and extortive corruption. The former pertains to an agreement between a donor and a recipient, actively pursued by, and to the mutual benefit of, both parties. The latter entails some form of coercion, usually to avoid the infliction of harm on the donor or those close to him/her. He also identified: investive corruption involving the offer of benefits without an immediate link to a specific favor but in anticipation of a future situation in which a favor may be required; nepotistic corruption concerning favored treatment of friends and relatives in appointment to public office; autogenic corruption occurring when a single individual profits from inside knowledge of a policy outcome; and supportive corruption referring to the protection or strengthening of existing corruption often through use of intrigue (as in U.S. machine politics) or violence. As recognized by Paul Heywood, Alatas' schema has the advantage of providing a straightforward definition of corruption that is "neither rule bound, nor tied to society's prevailing moral conventions or norms." All of these various ways of dividing the concept of corruption into categories of varying degrees of utility in identifying causes, consequences, and solutions. They suggest that the type of corruption determines the prognosis for solving the problem.

Another debate is centered on the universality of corruption across different cultural contexts. Do anticorruption efforts represent a uniform standard of good governance or a misguided effort to impose subjective standards and values on countries and cultures where they are inappropriate? For example, recent international efforts to standardize the treatment of corruption, especially bribery, by organizations including the Organization for Economic Cooperation and Development (OECD) and Organization of American States (OAS), have been met by resistance from many countries on the basis of cultural differences. They argue that an international policy against overseas bribery will be unable to respect cultural differences inherited from divergent legal traditions and customs. A study by legal scholar John T. Noonan demonstrates that although bribery might be an ancient tradition, its longevity is not
based on cultural approval: “Bribery is universally shameful. There is not a country in the world which does not treat bribery as criminal on its law books.” Even in highly corrupt countries, the practice of bribery is surrounded in secrecy and subject to public shame and potential prosecution if detected. With this debate in mind, a more recent study by Joongi Kim and Jong Bum Kim focuses on the issue of what kind of cultural perspectives and legal traditions addressing questionable payments should be respected in the expanding global movement against overseas bribery, a current concern in international trade. The authors argue for incorporating cultural differences into the growing international consensus against foreign bribery, with respect to differentiating between illegal payoffs versus permissible gifts, via the inclusion of “affirmative defenses” in international anti bribery conventions.

The fundamental determinants of corruption vary across countries, mixing national policies, bureaucratic traditions, political development, and social history. Various lines of literature have focused on cultural or ethical causes, such as the decline in religious beliefs or in public morality, or the existence of norms and values that emphasize family or group loyalties above adherence to abstract ethical codes. Other arguments point to the value conflicts in post-colonial settings, where the standards and practices embedded within traditional relationships may differ from the institutions left behind by the departing colonial power. According to this view, corruption arises when standards of appropriate behavior are uncertain. More current efforts to identify factors leading to corruption have utilized social science models and approaches. Economic approaches have addressed the incentives for officials to behave corruptly. One example of this approach is the principal-agent-client model. Economic approaches model the corrupt employee as a rational actor who decides whether to engage in corrupt activity by balancing the potential benefits against potential costs and consequences. According to this analysis, policies that worsen the consequences of engaging in corruption by increasing severity of punishment and likelihood of detection will lower corrupt activity.

Bardhan argues that the frequency of corruption in a society will change the balance of this equation in as much as it effects the marginal costs and benefits of corruption for an official. Other important characteristics that might affect the incentives for corruption include: the predictability of the judiciary, the ratio of civil service wages
to manufacturing wages, and the presence of merit-based recruitment and promotion. Political scientists and experts in public administration have focused on institutional factors and the systemic roots of corruption. In this vein, an important characteristic of a system enabling corruption is a divergence between the formal and informal rules governing behavior in the public sector. The vast majority, if not all, of countries have rules against corruption (although not all countries have all the rules they may need), but in cases of systemic corruption, formal rules become subordinate to informal rules. In some countries, the divergence between formal and informal rules results from the manner in which political authority is exercised and maintained. In other cases, the root cause may reside in weak public management systems and inappropriate policies. In both situations, reestablishing formal rules requires institutional strengthening.

Political science analyses also address the opportunity for corruption within institutions. The opportunity for corruption is a function of the size of the rents under a public official’s control, the discretion that official has in allocating those rents, and the accountability that official faces for his or her decisions. Other lines of research suggest a mixture of causal factors drawn from both political science and economic approaches. Ongoing empirical research by Daniel Kaufmann and Jeffrey Sachs (forthcoming) suggests that the determinants of corruption are complex. Poor institutions (including the rule of law and safeguards for property rights), civil liberties, governance (including the level of professionalization of the civil service), and economic policies, as well as other characteristics (including a larger country size) all seem to play an enabling role for corruption. Along these interdisciplinary lines, the World Bank points to both institutional and economic policy factors which create a nourishing environment for corruption. Corruption thrives: where distortions in the policy and regulatory regime provide scope for it and where institutions of restraint are weak. The problem of corruption lies at the intersection of the public and the private sectors. It is a two-way street. Private interests, domestic and external, wield their influence through illegal means to take advantage of opportunities for corruption and rent seeking, and public institutions succumb to these and other sources of corruption in the absence of credible restraint.
Opportunities and incentives for corrupt behavior develop whenever public officials have broad discretion in performing the tasks of their position and little accountability for their actions. For example, policies that create an artificial gap between supply and demand create opportunities for opportunistically middlemen, and the probability for being caught and punished affects the degree to which those opportunities are seized. The importance of identifying the specific determinants of corruption in a country targeted for reform has been stressed. Understanding the root causes of corruption is a crucial first step in developing policies that address the problem rather than its symptoms.

One of the key questions being addressed by recent empirical studies is the effect of corruption on economic development. This longstanding debate has questioned whether or not corruption indeed has an effect on development, and if so, in what direction: Does it act as the "sand" or the "grease" in the wheels of government machinery? Revisionists held the view that corruption may not be incompatible with development and at times may even encourage it. In the 1960s, the theory was first introduced that corruption might improve investment and growth in countries with particularly officious bureaucracies by enhancing their efficiency. This sparked a healthy theoretical debate on corruption's costs. Based on the assumption that bureaucratic delays are the product of preexisting rules, corruption, it is theorized, may serve as an effective method of cutting the red tape. As phrased by Samuel Huntington, "In terms of economic growth, the only thing worse than a society with a rigid, over centralized, dishonest bureaucracy is one with a rigid, over centralized, honest bureaucracy." Along these lines, Leff and others argue that corruption provides a way to get around cumbersome regulations and gives poorly paid bureaucrats incentives to produce. Furthermore, corruption may be economically negligible, in the short run, if it merely entails a transfer of economic rents from a private party to a government official. A bribe can be regarded as a market payment to ensure that resources are allocated to those who will most likely use them efficiently (those who can pay the highest price for the resources). Counter analyses maintain that corruption detracts from development. Michael Johnston writes, "Corruption undermines competitive processes, focusing on short-run benefits in place of sustainable, broad-based development." Furthermore, Gunnar Myrdal argues that corruption creates incentives for officials to erect additional bureaucratic obstacles in order to increase.
their opportunities to demand bribes. According to the World Bank, the corruption as "grease in the wheels" arguments fails to account for any objectives other than short-term efficiency. In addition to the direct costs of corruption (in terms of public funds diverted to private pockets), corruption has many negative indirect consequences that are quite costly in the long run: In the long run, expectations of bribery may distort the number and types of contracts placed for bidding, the method used to award contracts, and the speed or efficiency with which public officials do their work in the absence of bribes. It may also delay macroeconomic policy reform. In addition, the gains from such bribery may be inequitably distributed (accessible only to certain firms and public officials).

The World Bank concedes that in some cases, bribes might increase economic efficiency for individuals or groups if they enable firms to escape overly restrictive regulations or confiscatory tax rates, especially in the short run. However, the effects on the system as a whole are all negative. Bribery can have the effect of delaying reform by defusing pressure and can lead to the detrimental evasion of good regulations as well as bad. Furthermore, smaller firms and poor sectors of society may disproportionately bear the burden of the dysfunctional system, which could have the undesired effect of driving business into the informal economy: A policy framework based on many legal restrictions and widespread bribery to avoid them is like a highly regressive system of taxes on the private sector, and few would argue for such a system in developing countries. And in some transition economies such restrictions have proliferated in an uncontrolled way with the express purpose of extracting rents. This causes a shift of economic activity to the informal sector. Another point of contention in the debate on corruption's effect on development centers on the uneven performance of countries with endemic corruption. Many points to the cases of the high-performing Asian Newly Industrialized Countries, which grew at high rates despite corruption, as proof that corruption is not always economically harmful. Several explanations for this incongruity have been raised. One explanation centers on the concept of predictability: whether governments reliably deliver what is "bought" through bribery. A second distinguishes between political and bureaucratic corruption. Highly concentrated corruption at the top of the political system (as in the Asian cases) is considered less distortionary than uncontrolled corruption at lower levels. Political corruption, as a lump-sum payment to a political party for example, is
less costly to business, as it can be anticipated and amortized. Bureaucratic corruption, on the other hand, creates an uncertain environment in which investors never know when the next demand will arise and how much will be requested. A third argues that Asia was not an exception to the rule that corruption slows growth, but that Asian growth rates would have been higher still absent corruption. Thus, this argument concludes, the Asian cases cannot be used as evidence to disprove the assertion that corruption is costly to development. Finally, others view the East Asian case as corruption with delayed costs, emphasizing the central role of corruption and collusive economic arrangements in the recent Asian financial crisis.

Other questions arising from the theoretical debate on corruption’s effect on development include for example, whether corruption can be eliminated in developing countries or is an unavoidable stage in the process of development. Recent empirical studies, however, significantly weakened the argument that corruption is beneficial to development. Raw data from the three corruption indexes, as mentioned previously, suggests that corruption has a strong negative correlation with the level of development in a country, measured by the level of income per capita or the average years of schooling in the population over 25 years of age.

This basic relationship has been expanded upon by increasing numbers of empirical analysts. Paolo Mauro presents evidence of corruption’s negative impact on development, arguing that corruption can slow down development through a number of channels. Investors are cognizant that their profits may be demanded by corrupt officials and view corruption as a pernicious tax complicated by secrecy, uncertainty, and unpredictability. In an analysis using the Business International (BI) Indices of Corruption, a one standard-deviation improvement in the corruption index causes investment to rise by 5 percent of Gross Domestic Product (GDP) and the annual rate of growth of GDP per capita to rise by half a percentage point. This tentative evidence suggests that much of corruption’s effect on economic growth takes place through its effects on investment. A study by Keefer and Knack obtained broadly similar results, using indices of institutional efficiency from the International Country Risk Guide (ICRG). They found a significant direct effect of institutional variables on growth, in addition to the indirect effect through investment. A study by Shang-Jin Wei has quantified the cost of corruption to investors, demonstrating that investing in Mexico,
a relatively corrupt country, instead of Singapore, a relatively uncorrupt country, is equivalent to an additional 20 percent ("private") tax on investment.

A study of the association between levels of investment and investors' perceptions of corruption found a significant relationship between the exposure of corruption by the press and foreign direct investment. Financial media exposure seems to have a positive effect on foreign direct investment when investors are confident that exposure precipitates institutional reform. However, where investors believe that the government will resist reform, regardless of pressure from the financial markets, publicity decreases foreign direct investment. Murphy, Shleifer, and Vishny (1991) argue that situations in which rent seeking provides more lucrative opportunities than productive work create a suboptimal allocation of talent: talented and highly educated individuals will be more likely to pursue rents than work productively, adversely effecting their country's growth rate. Corruption may divert funds from their intended targets. The literature on aid flows has debated whether the fungibility of aid flows ultimately leads to the financing of unproductive public expenditures. Corruption can contribute to loss of tax revenue in the form of tax evasion or improper use of discretionary tax exemptions.

Corruption may negatively impact fiscal and monetary health. Budgetary consequences may arise from effects on tax collection and levels of public expenditure. An undesirably lax monetary stance could result from corruption in the form of improper utilization of directed lending at below-market interest rates by public-sector financial institutions. Corruption may affect allocation of public procurement contracts, leading to inferior public infrastructure and services. Corruption may affect the composition of government expenditure. Corrupt officials may favor public expenditures on goods and projects that maximize opportunity for rents. Shleifer and Vishny (1993) suggest that large expenditures on specialized items such as missals and bridges, whose exact market value is difficult to measure, create more lucrative opportunities for corruption. For example, Hines (1995) argues that the international trade in aircraft is particularly susceptible to corruption. Mauro's study further lends evidence to a link between corruption and the composition of government expenditure. He found that corruption is correlated with lower levels of spending on education, an important finding in light of the evidence that educational
attainment is an important determinant of economic growth. One interpretation of the shift away from educational expenditure is that it is a less lucrative industry for collecting bribes. Evidence of corruption's negative consequences for development is supported on a general level by Kaufmann's survey of elite perceptions of corruption in developing and transitional economies. Survey respondents rated public sector corruption as the most severe obstacle to growth. The majority regarded vested financial interests and corruption as a key reason for the lack of sufficient progress towards economic reform in their countries and do not share the view that there may be a convergence between corrupt interests and economic reforms.

In addition to these economic consequences of corruption, empirical evidence has shown a correlation between corruption and low levels of social interaction and weakness of the rule of law, deep ethnic division and conflicts, low levels of mass participation in politics and weak protection of civil liberties, and relatively closed economic and political systems. The net effect of these factors and corruption in general, on political stability, has been more difficult to estimate. The evidence of corruption's impact on political regimes is varied. In some cases, corruption led to political instability (in Russia and Colombia, for example). In others, it undermined reform and contributed to the continuation of corrupt leadership in power, serving as a means of political control and substitute for reform (in Paraguay, Mexico, and Zambia, for example). In still others, corruption has supported the rise of new political forces, some against corruption and others utilizing it as a means of consolidating their own political power. Recent efforts in accumulating empirical evidence on the effects of corruption have been fruitful. However, many issues have yet to be fully explored. Fortunately, data has increasingly become available for empirical study. Kaufmann lists the data available on corruption and bribery: firm level surveys, including cross-country comparative business surveys on perception of bribery and corruption and country-specific, in-depth surveys gathering hard data on bribery and its correlates; surveys on quality of service delivery; citizen polls; indices based on expert assessments; the procurement prices of publicly provided goods, including generic medicine and standard school lunches; balance of payments analysis, as in comparing official export statistics versus data from importing countries; estimates of the unofficial/black economy; and composite corruption perception indices, such as Transparency International's index. Additional empirical work to further develop our
understanding of this complex issue is imperative. Understanding the full consequences of corruption is an important step in its eradication.

2.2.4 Ethnicity as a challenge

This research report aims to explore the lived experiences of BME staff, and how institutional policy and practice may affect BME staff differently. It is self-evident that there are significant challenges facing the higher education sector. The current financial climate, and uncertainty around the effects of the new fees and funding system, has led to some restructuring, redundancies and reduction in services. These may have a greater negative effect on particular groups, and historically this has included black and minority ethnic (BME) people. An earlier literature highlighted some of the continuing issues facing BME staff. ECU (2009). The introduction of the Equality Act 2010 means that higher education institutions (HEIs) are now working within a new legislative framework. There is a disparity between previous legislative ambition and the lived experiences of staff, the new legislation may provide a fresh opportunity for HEIs to drive equality forward for the benefit of those staff and society.

The ethnic Relations (Amendment) Act 2001, born out of the Stephen Lawrence Inquiry, introduced a statutory general duty upon public authorities, including HEIs, to promote race equality. The general duty had three elements, to: eliminate unlawful racial discrimination, promote race equality promote good relations between people of different racial groups Underpinning this general duty were several specific duties: statutory requirements designed to help institutions meet the general duty. These specific duties required HEIs to produce and publish a race equality policy with a clear, targeted action plan monitor recruitment/admission and progression of staff and students according to racial group.

The experience of black and minority ethnic staff in HE in England assess the impact of all the institution’s policies and procedures on race equality publish monitoring data annually, and the results of impact assessments as they are carried out. The intention is to help HEIs provide fair and accessible services and to improve equality of opportunity for people of different racial groups. The Race Relations (Amendment) Act has been repealed and replaced by the Equality Act 2010, which continues the
positive duty that HEIs have with regard to race. However, at the time of writing, there are no specific duties for England. Despite this legislative framework, evidence highlights ongoing discrimination experienced by BME staff. Meanwhile, as with the population of Britain, staff and student populations in HEIs have become increasingly diverse, with consequent challenges for HEIs in delivering their core functions. Previous research in the higher education sector debates about multiculturalism and identity, ethnicity and religion, and issues of diversity and differences have been the subject of teaching and research in HEIs over several decades. With an expanding and increasingly diverse student population, there have been numerous studies exploring the participation and experiences of different student groups, including BME students (Pilkington 2002; Housee 2004).

There is growing recognition that an ethnically diverse higher education workforce positively affects the ability of institutions to deliver their core functions fully to an increasingly diverse student population. Evidence from the NUS (2011) highlights that BME students want a more representative workforce, diverse teaching practices and more BME role models. Many institutions have therefore demonstrated a strong policy commitment to race equality. Yet, despite this, there is extensive evidence that BME staff are underrepresented at senior levels in HEIs. Compared with studies on BME students, research focused solely on the effects of ethnicity of staff in HEIs is limited. However, it has been illustrated that discrimination against BME staff exists (Smith 2007: 116–7). This is substantiated by previous studies (Carter et al. 1999; Blackaby and Frank 2000; Law et al. 2004; Jones 2006) indicating the existence of institutional racism in higher education. Additionally, a programme of research funded by the higher education funding councils reported BME staff members' experiences and perceptions of discrimination in promotion opportunities and career progression (Deem et al. 2005). There are well documented accounts from BME staff of isolation and marginalization; challenges to their status, authority and scholarship; high levels of scrutiny and surveillance of their work; and difficulties in gaining promotion (Heward et al. 1997; Deem et al. 2005; Jones 2006; Mirza 2006, 2009; Wright et al. 2007; ECU 2009). The analysis of a survey conducted by the University and College Union (UCU) also shows that ‘almost half of black members have experienced racism or racial discrimination at the workplace’ (UCU 2009).
In various race equality policy materials, institutional policy documents and promotional materials, including websites, HEIs conventionally pledge to promote, value or respect diversity and (race) equality. This is confirmed in studies of HEIs in Britain, where the expression of ‘commitment’ to race equality was often identified in institutional policy documents (Kimura 2006: 47; Ahmed 2007). However, what does this ‘commitment’ mean, and what is its effect in practice? It is also important to note the characteristics of universities. Often they are organizations with strong traditions of professional autonomy and freedom in decision-making at basic unit or departmental levels, which make institutional policies and strategies complicated to implement successfully (Clark 1983; Becher and Kogan 1992). Rather rigid employment division in most institutions between different categories of staff – academic, administrative, manual – is another factor with implications for equality and diversity.

The question remains as to whether writing policy documents that state a commitment to equality and diversity helps to improve racial equality. Evidence from previous research into the experiences of BME staff suggests that documents alone cannot remove racism from the institution. Ahmed (2006) argues that ‘speech acts’, such as those that commit the HEI to equality or diversity, do not do what they say – ‘saying it’ does not bring about actions that ‘do things’. Ahmed (2006) suggests that not only can such speech acts fail to deliver what they promise, they potentially can block rather than enable action. The claim to be committed to anti-racism ‘can function as a perverse performance of racism’ (Ahmed, 2007) as institutions may fail to recognize the existence of racism. Furthermore, in HEIs where student diversity has a strong marketing appeal, there is a sense that diversity and equality has been achieved. However, as Ahmed (2006) notes, there is a huge difference between being diverse and ‘doing diversity’, especially in relation to the staff population.

The significant disparity between universities’ policy commitments and the experiences of BME staff suggests ongoing institutional barriers and discriminatory practices in the higher education sector. The starting point of this project, therefore, was to explore institutional policies and compare them with the lived experiences of BME staff. The research focused on UK national BME staff in academic, professional and support roles. UK national staff were targeted because there is concern that this
specific group incurs the greatest ‘race’ penalty in terms of promotion and progress within the sector. This does not imply that international BME staff are not discriminated against, but rather takes into account that their status and experiences are different.

When developing and implementing equitable management practices, institutions must make sure that all staff, in particular managers, value race equality and diversity, and that practices mirror the institution’s equality policy commitments and ‘speech acts’ – public, spoken commitments to equality or diversity (Ahmed 2007). As highlighted in the literature (Ahmed 2007), there are disparities between policies set by institutions and their implementation in practice, which is evident from the number of responses from participants experiencing discrimination in working practices.

There are examples of procedures in place at a managerial level to deal with allegations of racism, including dispute resolution and grievance policy procedures, staff bullying and harassment policies/procedures, and confidential support; institutions that responded to the survey thought these procedures were effective. It also appears that, while senior managers (vice-chancellors and executive boards) establish a vision and an institutional commitment to equality and diversity, how this is then put into practice may not always be considered.

One BME staff member commented on the lack of respect for diversity at the higher levels of the HEI. They remarked that, although there is talk about respecting different cultures, this isn’t put into practice. For example, earlier in the year, when a family member died, they were expected to return to work immediately, although it was part of the staff member’s culture to stay with their family to grieve. Although, in principle, staff are entitled to take compassionate leave, colleagues ‘pulled a face’ when the staff member didn’t come back to work immediately. As a consequence, the staff member had been unwell for a long time because of the stress.

Interestingly, participants expressed some cynicism about institutions’ interest in ethnicity, with one participant stating that ‘research into race issues seems to be initiated when it’s a trendy issue, but then other issues take over, such as expenditure cuts’. In the current economic climate, with the threat of redundancies, there is a particular need for managers at all levels to deliver on their responsibilities to race
equality practice, and to comprehend the value of diversity. Instances of poor practice can be perceived as validating the status quo and serving to maintain the discriminatory disparities between policy and practice – between ‘saying it’ and ‘doing it’ (Ahmed 2007). In an era of austerity and reduced funding for higher education, attracting and retaining talent becomes more crucial. Serious consideration should be given to rewarding HEIs that effectively widen access for their staff and thus make serious amends for the discriminatory experiences of their BME staff.

HR and equality and diversity staff appear to have a strong understanding of the national policy and legislative requirements that have been translated into institutional policy and practice at the central level. There is, however, a disconnection from academic unit management, in which heads of departments have certain levels of autonomy. Equality policy is often developed by HR departments, then disseminated to all levels of the organization. However, once policy leaves the central HR department, it becomes subject to local variation and interpretation. Staff narratives suggest that institutional policies may be implemented inconsistently, as local units and departments carry on ‘how we have always done things around here’. There appears to be an uneven awareness of equality and diversity in practices concerning staff appointment, workload and the equity aspects of promotion.

Data on ethnicity is increasingly being collected during recruitment, but ‘this is standard practice for HR purposes and does not seem to be acted upon’. Through monitoring equality data collected during recruitment, it is clear that there is a problem in attracting BME people to apply. This is particularly prominent in academic posts; in one institution, only two out of 30 eligible applications for a lecturer post in a health-related department were from BME groups. It was argued at one HEI that there is no concern about inequity or favouritism regarding the appointment of academic staff, but once it gets to senior level there seems to be less equality. ‘The small number of BME staff at senior levels is due to the low numbers both applying and being selected’, it was claimed at another HEI. Several schools officially describe development opportunities as widely advertised in the HEI and open to anyone who wants to apply.

At one HEI, there is a central model of workload management, which is handled at faculty level, although there is no consistent monitoring of workload distribution at
present. Workloads are documented in different ways depending on staff roles: academic staff have duties laid out in a spreadsheet (notional workload), which allows academic managers to see individuals’ responsibilities, while administrative staff rely on the discretion of line managers controlling workloads. Consequently, there is scope for favouritism, and some evidence was presented of a tendency to pigeonhole people. As found by Deem et al. (2005), there was a belief that BME staff is expected to be experts in equality and diversity issues.

Commonly, for academic staff there is an annual review of workload, and there is some evidence that these staff can engage in more open negotiations on workload than professional and support staff, who work to job descriptions. Local practices related to workload and promotions tend to escape HR attention, and are not necessarily fed back to equality and diversity officers. In one HEI, different workload models are used in annual performance reviews (the model being dependent on department preference), but there is a move to introduce a standard model. In one HEI, it was noted that ‘race is not an issue in the allocation of workloads’, although ‘BME staff tend to be found at the lower levels’. There appears to be no transparency in the allocation of particular roles and duties, and this could lead to inadvertent favoritism and unequal allocation of work between BME and white staff.

In professional and support roles, posts are set out with job descriptions. Internal promotion is difficult, and when jobs arise they have to be applied for. The CAP survey found that UK national BME staff members reported lower levels of support (compared with the views of non-BME and international BME staff) for professional development of administrative and management roles. In one HEI, there is an annual call for promotions for academic staff, while technical and administrative staff can only apply for vacancies as they appear. At another HEI, the roles of heads of department rotate every three to four years, but the process of recruitment is not transparent.

One BME academic in an elite HEI talked about the opaque promotion process at her HEI, which seems to be entirely contingent on a network of sponsors. She commented on the culture, which was deemed ‘individualistic, competitive, secretive and arbitrary’. She felt that ‘they withhold information from you – and if you don’t know
things, they say you aren’t a team player’; and that ‘if you had put me on Mars I would have felt more welcome’.

One BME member of staff in a pre-92 HEI had been in her present post for some time and regarded her career as ‘static’. She was not unhappy with the situation, as her work–life balance was what she considered to be the most important aspect – time for domestic and social commitments as well as congenial working relationships. ‘Promotion is not everyone’s ambition. And it is your personal choice.’ It should be noted, however, that she had started at the HEI as an office secretary, and had been supported by the HEI to take a degree and subsequently promoted to middle management.

Relationships with colleague and managers have a great impact on the lived experience of all staff members. Relationships with line managers, senior management and colleagues were intrinsic to the experience of BME staff. Within a status-conscious higher education environment, there is much scope for exerting one’s position within the hierarchy, in both formal and informal settings. The majority of BME staff who participated in the research had experienced the damaging effects of being treated in a subordinating or excluding way because of their race. This highlights that the daily experiences of working relationships and institutional support matter a great deal. The corrosion of confidence created by lack of respect, support and recognition affected some BME staff so severely that they simply gave up.

The worst instances of discriminatory treatment related to examples of casual racism in the behaviour of managers. The evidence is limited to what our interviewees said about some specific encounters, but these were clearly placed within antagonistic histories of working with particular individuals. One female professional staff member spoke of herself and other BME colleagues in her unit being deliberately targeted and asked to ‘serve’ their white manager tea. This was despite the manager herself already having two personal assistants:
2.3 Critical review

Affirmative action which was made for a very noble reason of social equality has in the long run emerged as the most disputatious of all the education policies in United States which are based on race and creed. The very reason for the widespread discussion of this affirmative action has been the US society and its every single constituent have believed that this policy has personally affected them. The result of this has extended to inflated list of opinions with debates being participated by a large number of people of every quarter. Irrespective of the personal choice of support or opposition, this concept have been of great importance to US citizens because of the possible impact of affirmative action on equality, justice, and democracy in the society and nation as a whole (Marble, 1995)

The affirmative action has been widely observed as a possible confrontation of people’s competing ethical values and moral vision and hence become a reason of controversy (Edley 1996). The perception among the people has been that of the possible rise in the role of race and gender in the awarding of educational and employment opportunities. The controversy has made Colleges and University campuses across the nation as the center stage of all discussion and opinion building both in favor and against the policy affirmative action. The scaling back of various programs of affirmative action has seen protests of students who supported the policy with many university students California and Florida demanded their universities for noncompliance the ban on affirmative action (Selingo, 2000 Basinger, 1998). There has been a firm belief that abolishing affirmative action in college admissions will actually cause deep erosion not only for campus communities but for every individual student who believe in the policy of affirmative action policies and the democratic ideals. But the discussion entailing these policies have depended least on the analysis of affirmative action policy while taking into account the factor which embodies the choice as a matter of social context among students (Kymlicka, 1991)

The notion of a context coming out of the theory of contemporary liberal political theory has a say over the matter of choice. The traditional outlook of the liberal theory which has its transcendence on the Contemporary liberal theory has concerns of responsibilities of oppression and possible disadvantage within dominant societal structures. Liberalism has recognized the very importance of both individual and the
culture and community affecting the overall development of the individual thereby acknowledging the essence of people's cultural and social contexts framed by a society's history and structures in interaction with a person's cultural background (Kymlicka, 1991). So the contemporary liberalism must be distinguished from the traditional strands of liberalism.

The procedure of through following the regular and objective admissions has seen admissions on the ground of race and ethnicity as a matter of disgrace and perhaps the issue of contention between the two....

Many researches have been done on the impacts of training on the performance of employees. However employees are different and unique. The nature and types of training given are therefore supposed to be different. This study therefore concentrates on the effects of training on the performance of salespeople. Modern affirmative action, then, was established as policymakers groped for a way to address continuing problems of discrimination. Has it worked to help eradicate or prevent such discrimination? In a fundamental sense the question must be posed for the broader society-wide effort of which federal programs are only an element and, ideally, a model.

2.4 Theoretical Review

Group theory of politics

Affirmative action is a good policy with its foundation on our constitution as well as the universal declaration on human rights. The policy originates from the application of the group theory of politics. The general purpose was to correct past racial and gender biases and in justices that were of practices in America society. However to be more effective the policy has to be more convincing. On its moral values than its forcefulness, on it's legal ramification. Current data and discussions show that more could have been done to make this policy more efficient. Media and other civic or professional organizations should constitute the backbone of this policy by having more positively inclusive conciliating and educating.

The effort needed should result in embarking everybody, in making the policy a firm basis in construction viable and long lasting positive relationship between all social
groups in our society and not let its application surface other forms of social tensions or conflicts that diffuse the purpose of its existence.

Affirmative action policy is derivative of the struggle of minority groups to fully integrate American social structure. The struggle comes because of the negative, reference in racial inequality and gender differences in all aspects of American social structure. Thus affirmative action issue is defined in the setting of group theory of politics. According to this theory public policy is the product of the group struggle and that interaction and struggle among groups are central facts of political life (Aderson 2006, pg 20). It’s within this landscape of this consideration that the affirmative action policy has to be analysed. The main problem is that the social structure of the country does not work as a system that is equally inclusive of all social groups. People of color and women were deprived of their basic civil rights. Just like affirmative policy the signature by the president, Obama (January 29, 2009) into law of the lily led better wage bill to end payroll discrimination is another sign that proves that our society system was not exclusive. Women were unfairly compensated at work place. The law is a major step forward for pay equity between men and women.

The existence of these laws and policies is an indication that minority group members are fighting together as a group to pursued elected official of their cause and guarantee that their common voice is heard and rights protected. By their common action as a group their rationality demonstrates the existence of a public interest for specific common problem that needs government solution. The solution is given in the form of policy and regulation. In this case the group struggle, the minority struggle to economically social and politically integrate and serve in American social structure has led the government taking many actions and issuing multiple policies that intent to suppress racial inequality and the gender bias that exist in American society. The assumption of group theory is that it includes the interest of all group members. All people of color, minority, and women in this case. These members have an opportunity to express their view within the respective groups and different civic associations. These associations give a positive perception to their members that they’re heard and their view are taken into consideration. They strengthen cohesion
of all group members who fight for the same goals and objectives. They make group members commit to the success of the policy statement.

In response to the group struggle in applying the letter of constitution, the government has issued a mixture of legislative executive judicial action and policies to end racial discrimination in education employment and business contracts. The measures produced effects that were the basis of civil rights Acts (CRA) of 1964 and 1965. The civil rights acts state discrimination was outlawed in hiring practices in places of public accommodation and in any program receiving federal assistance. In addition the equal employment opportunity commission was established to enforce (CRA). The CRA were amended in 1972 to strengthen the authority of EEOC by including state and local governments labor organizations within purview (Hird et al 2004).

2.5 Summary and Gaps to be filled by the study

The literature review has discussed, literature related to the challenges affecting the implementation of affirmative action in human resource management in the recruitment, selection and placement in secondary school teachers by the board of governors. It includes literature on academic qualifications, public perception, corruption and ethnicity. It also looks at the Critical Review and summary and gaps to be filled by the study.
2.6 Conceptual framework

The conceptual framework shows the relationship between the independent variables, and the dependent variables. The independent variables are educational qualifications, public perception, corruption and ethnicity. The dependent variable is the implementation of affirmative action.
CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

This chapter describes the methods that were used in carrying out research and this includes; research design, population of the study, sampling method and sample size, data collection method and instruments, data collection procedures and data analysis methods.

3.2 Research design

The study was conducted through descriptive survey design. Survey is a self report study which requires the collection of quantifiable information from the sample in order to analyze and discover occurrences.

3.3 Target population of the study

Population is the entire group under study to which the research findings are generalized. The research targeted the 42 registered public secondary schools in Kisumu west Sub County. The target population of the study was composed of principals, deputy principals at least one head of department and a BOG chairperson per school of the 42 schools. The total number of respondents per school was therefore 4. The total population for the 42 schools was therefore 168. It also included the district HR officer. The total population was therefore 169. The choice of Kisumu west Sub County was for the reason that it is convenient for the researcher in terms of distance and proximity.
3.4 Sampling Method and Sampling Size

The study employed purposive sampling to interview the respondents. A sample of 81 respondents was picked purposefully to take part in the study. It was composed of 1 principal, 1 deputy principle, at least one head of department per school and 1 BOG chairman per school. The total sample from the 20 schools was therefore 80. It also included the district HR officer. The total sample was therefore 81. Purposive sampling is where the researcher knowingly picks only specific people because they are the only ones who can provide the required information. In this case the researcher only interviewed the principals, deputy principals, heads of departments BOG chairmen and the District HR officer because they are included in the interview panels in the selection of teachers. The principals and deputy principals are also members of the Board of Governors.

3.5 Data Collection Methods and Instruments

Data was collected using self-administered questionnaires. A structured questionnaire was developed to collect quantitative data pertaining to the dimensions of affirmative action. These questionnaires were filled in the presence of the researcher. Use of questionnaires is justified in the sense that; a lot of data is collected, it allows for clarification, it is a fast method, and has a very high response rate.

3.6 Data Analysis Methods

The researcher used descriptive statistics to analyze the data. The researcher used frequencies and percentages. The completed questionnaires were carefully scrutinized to ensure that the data was accurate and consistent with other facts gathered, uniformly entered, as complete as possible and was well arranged to facilitate coding and tabulation. Data analysis commenced with the onset of data collection. Data collected was analyzed using quantitative analysis technique. The researcher used tables to present his data.
4.1 Introduction

This chapter deals with the presentation of major findings and summary of data analysis.

4.2 Presentation of findings

Table 1: Position held by respondents in the schools

<table>
<thead>
<tr>
<th>Positions</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle</td>
<td>20</td>
<td>33.3%</td>
</tr>
<tr>
<td>Deputy principle</td>
<td>20</td>
<td>33.3%</td>
</tr>
<tr>
<td>Head of department</td>
<td>20</td>
<td>33.3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: Research Data (2012)

The research findings indicate that the principles were 33.3%, the deputy principles were 33.3%, and the HODs were also 33.3% of the total number of respondents.

Table 2: Length of service of respondents

<table>
<thead>
<tr>
<th>Length</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 1 year</td>
<td>4</td>
<td>6.7%</td>
</tr>
<tr>
<td>2 - 3 Years</td>
<td>5</td>
<td>8.3%</td>
</tr>
</tbody>
</table>
4 – 5 Years  21  35%
6 Years & above  30  50%

Total  60  100

Source: Research Data (2012)

The research findings show that 6.7% of the respondents worked in their schools for below 1 year; 8.3% had been with their schools for between 2 – 3 years; 35% of them had been with their schools for between 4 -5 years and 50% of them had been with their schools for 6 years and above. This is an indication that the bulk of the staff had been with the schools long enough to know the challenges affecting the implementation of affirmative action.

Table 3: Academic qualifications of Principles, HODs, Deputy Principles, BOG members and the District HR officer

<table>
<thead>
<tr>
<th>Academic qualifications</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Masters and above</td>
<td>15</td>
<td>18.5%</td>
</tr>
<tr>
<td>Bachelors degree</td>
<td>60</td>
<td>74.1%</td>
</tr>
<tr>
<td>Diploma holders</td>
<td>6</td>
<td>6.4%</td>
</tr>
</tbody>
</table>

Total  81  100%
The findings indicate that 18.5% of the respondents had a master's degree and above, 74.1% of the respondents had Bachelors degree and 6.4% of them were diploma holders. This is an indication that the leaders were educated enough to understand the concept of affirmative action and its implications.

Table 4: Academic qualification as a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County.

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>65</td>
<td>80.3%</td>
</tr>
<tr>
<td>Neither</td>
<td>6</td>
<td>7.4%</td>
</tr>
<tr>
<td>Disagree</td>
<td>10</td>
<td>12.3%</td>
</tr>
<tr>
<td>Total</td>
<td><strong>81</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Source: Research Data (2012)

The first objective of the study was to find out whether academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. The findings indicate that 80.3% of the respondents agreed that academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 7, 4% of the respondents were non committal while 12.3% of the
respondents disagreed to the statement. It can therefore be concluded that academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were for this argued that much as the authorities try to implement affirmative action, fewer of the minority groups have the required qualifications. This is illustrated in figure 2

Table 5: Cultural attitude as a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>75</td>
<td>92.6%</td>
</tr>
<tr>
<td>Neither</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Disagree</td>
<td>6</td>
<td>7.4%</td>
</tr>
<tr>
<td>Total</td>
<td>81</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Research Data (2012)

The second objective of the study was to find out whether cultural attitude is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. The findings revealed that 92.6% of the respondents agreed that Cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County while 7.4% of the respondents disagreed to the statement. It can therefore be concluded that Cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. When asked for illustrations, most of the
respondents said that there is a feeling that women cannot hold leadership positions in the sub county. This is illustrated in figure 3

Table 6: Bribery as a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>40</td>
<td>49.4%</td>
</tr>
<tr>
<td>Neither</td>
<td>7</td>
<td>8.6%</td>
</tr>
<tr>
<td>Disagree</td>
<td>34</td>
<td>42%</td>
</tr>
<tr>
<td>Total</td>
<td>81</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Research Data (2012)

The third objective of the study was to find out whether bribery is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. The findings indicate that 49.4% of the respondents agreed that bribery is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 8.6% of the respondents were non committal while 42% of the respondents disagreed to the statement. However those who agreed that bribery is a challenge did not have any evidence apart from hearsay. Only a simple majority agreed to the statement. When asked for clarification most of them claimed that education officials are compromised with gifts and favor those who offer them at the expense of the disadvantaged. It can therefore be concluded that bribery is a challenge. This is illustrated in figure 4
Table 7: Ethnicity as a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>10</td>
<td>12.3%</td>
</tr>
<tr>
<td>Neither</td>
<td>6</td>
<td>7.4%</td>
</tr>
<tr>
<td>Disagree</td>
<td>65</td>
<td>80.3%</td>
</tr>
</tbody>
</table>

Total 81 100%

Source: Research Data (2012)

The last objective of the study was to find out whether ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 12.3% of the respondents agreed that ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 7.4% of the respondents were non-committal while the majority, that is 80.3% of the respondents disagreed to the statement. It can therefore be concluded that ethnicity is not a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were against the statement said that the current constitution has rectified this though it was a challenge in the past. This is illustrated in figure 5

4.3 Summary of data analysis

The first objective of the study was to find out whether academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County.
The findings indicate that 80.3% of the respondents agreed that academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 7.4% of the respondents were non-committal while 12.3% of the respondents disagreed to the statement. It can therefore be concluded that academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were for this argued that much as the authorities try to implement affirmative action, fewer of the minority groups have the required qualifications.

The second objective of the study was to find out whether cultural attitude is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. The findings revealed that 92.6% of the respondents agreed that cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County while 7.4% of the respondents disagreed to the statement. It can therefore be concluded that cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. When asked for illustrations, most of the respondents said that there is a feeling that women cannot hold leadership positions in the sub county.

The third objective of the study was to find out whether bribery is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. The findings indicate that 49.4% of the respondents agreed that bribery is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 8.6% of the respondents were non-committal while 42% of the respondents disagreed to the statement. However those who agreed that bribery is a challenge did not have any evidence apart from hearsay. Only a simple majority agreed to the statement. When asked for
clarification most of them claimed that education officials are compromised with gifts and favor those who offer them at the expense of the disadvantaged. It can therefore be concluded that bribery is a challenge.

The last objective of the study was to find out whether ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 12.3% of the respondents agreed that ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 7.4% of the respondents were non-committal while the majority, that is 80.3% of the respondents disagreed to the statement. It can therefore be concluded that ethnicity is not a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were against the statement said that the current constitution has rectified this though it was a challenge in the past.
CHAPTER FIVE

SUMMARY OF FINDINGS CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter handles the summary of major findings, conclusions, recommendations and suggestions for further research.

5.2 Summary of major findings According to Research questions

The first objective of the study was to find out whether academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. The findings indicate that 80.3% of the respondents agreed that academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 7.4% of the respondents were non-committal while 12.3% of the respondents disagreed to the statement. It can therefore be concluded that academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were for this argued that much as the authorities try to implement affirmative action, fewer of the minority groups have the required qualifications.

The second objective of the study was to find out whether cultural attitude is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. The findings revealed that 92.6% of the respondents agreed that Cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County while 7.4% of the respondents disagreed to the statement. It can therefore be concluded that Cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. When asked for illustrations, most of the
respondents said that there is a feeling that women cannot hold leadership positions in the sub county.

The third objective of the study was to find out whether bribery is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. The findings indicate that 49.4% of the respondents agreed that bribery is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 8.6% of the respondents were non committal while 42% of the respondents disagreed to the statement. However those who agreed that bribery is a challenge did not have any evidence apart from hearsay. Only a simple majority agreed to the statement. When asked for clarification most of them claimed that education officials are compromised with gifts and favor those who offer them at the expense of the disadvantaged. It can therefore be concluded that bribery is a challenge.

The last objective of the study was to find out whether ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 12.3% of the respondents agreed that ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. 7.4% of the respondents were non committal while the majority, that is 80.3% of the respondents disagreed to the statement. It can therefore be concluded that ethnicity is not a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were against the statement said that the current constitution has rectified this though it was a challenge in the past.

5.3 Conclusions

From the findings of the study it can be concluded that academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were for this argued that much as the authorities try to implement affirmative action, fewer of the minority groups have the required qualifications.
It can also be concluded that Cultural attitude is a challenge that affects the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. When asked for illustrations, most of the respondents said that there is a feeling that women cannot hold leadership positions in the sub county. It can also be concluded that bribery is a challenge. Ethnicity is not a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Those who were against the statement said that the current constitution has rectified this though it was a challenge in the past.

5.3 Recommendations

The researcher would like to recommend to the government through the relevant ministries to offer bursaries and loans to the disadvantaged so that they can acquire the right qualifications and take advantage of the affirmative action. The public should also be educated so that their can change their cultural attitudes and accept that even the disadvantaged groups can also lead and work. KACCA should also be vigilant and monitor education officials who are compromised through bribes. And finally the government should strengthen and implement according to the constitution that at least each ethnic group is equally represented in all ministries.

5.5 Suggestions for further Study

The study was on the challenges affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County. Other researchers should do studies to determine the challenges affecting the implementation of affirmative action in the manufacturing sector.
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Nathaniel Leff (1990), Management, Methods and Practices, New Age International Publishers, New Delhi


APPENDICES

APPENDIX 1: QUESTIONNAIRE

Dear Sir / Madam,

I am a student of Kenyatta University doing a study on the impacts of training on the challenges affecting HRM management in recruitment, selection and placement of secondary school teachers by the board of governors in Kisumu West Sub County. Your contribution by filling the questionnaire will greatly contribute to the source of the study. The information provided will be used for academic purposes. Please answer the following questions.

QUESTIONNAIRE FOR PRINCIPAL, DEPUTY PRINCIPAL AND HODs

1. What position do you hold in the school?
   - Principal
   - Deputy principal
   - Head of department

2. For how long have you worked in the school?
   - Below 1 year
   - 1-3 yrs
   - 4-5 yrs
   - 6 yrs and above

3. What are your academic qualifications?
   - Master and above
   - Bachelors Degree
   - Diploma
Tick as appropriate

4. a. Academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in your school?
   
   Agree [ ]
   Neither [ ]
   Disagree [ ]

   b. If you agree, give illustrations

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5. a. Cultural attitude is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in your school?

   Agree [ ]
   Neither [ ]
   Disagree [ ]

   b. If you agree, give illustrations

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   ........................................................................................................................................
   ........................................................................................................................................
   ........................................................................................................................................
6. a. Bribery is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu in your school?

<table>
<thead>
<tr>
<th>Agree</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neither</td>
<td>□</td>
</tr>
<tr>
<td>Disagree</td>
<td>□</td>
</tr>
</tbody>
</table>

b. If you agree, give illustrations

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a. Ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in your school?

<table>
<thead>
<tr>
<th>Agree</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neither</td>
<td>□</td>
</tr>
<tr>
<td>Disagree</td>
<td>□</td>
</tr>
</tbody>
</table>

b. If you agree, give illustrations

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QUESTIONNAIRE FOR THE BOG CHAIRPERSONS

1. What position do you hold in the BOG

Chairperson  □      Secretary  □
Treasurer  □      Member  □
2. For how long have you been in the BOG in this school?

- Below 1 year
- 1-3 years
- 4-5 years
- 6 years and above

3. What are your academic qualifications?

- Master and above
- Bachelors Degree
- Diploma

Tick as appropriate

4. a. Academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in your school.

- Agree
- Neither
- Disagree

b. If you agree, give illustrations

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5. a. Cultural attitude is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in your school.

- Agree
- Neither
- Disagree

b. If you agree, give illustrations

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6. a. Bribery is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in your school.

- Agree
- Neither
- Disagree

b. If you agree, give illustrations

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7.a. Ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in your school.
Agree □
Neither □
Disagree □

b. If you agree, give illustrations
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QUESTIONNAIRE FOR TSC DISTRICT HR OFFICER

1. For how long have you been a HR officer?

Below 1 year □
1-3 years □
4-5 years □
6 years and above □

2. What are your academic qualifications?

Master and above □
Bachelors Degree □
Diploma □

Tick as appropriate
3 a. Academic qualification is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County?

- Agree
- Neither
- Disagree

b. If you agree, give illustrations

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4 a. Cultural attitude is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County

- Agree
- Neither
- Disagree

b. If you agree, give illustrations

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5 a. Bribery is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County
6a. Ethnicity is a challenge affecting the implementation of affirmative action in the recruitment, selection and placement of secondary school teachers in Kisumu West Sub County.

b. If you agree, give illustrations

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### APPENDIX 2: WORK PLAN

<table>
<thead>
<tr>
<th>PHASE</th>
<th>TIME (MONTHS)</th>
<th>DATE - 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development of proposal and approval</td>
<td>1</td>
<td>August</td>
</tr>
<tr>
<td>Development of instrument, piloting and quality control</td>
<td>1/2</td>
<td>September</td>
</tr>
<tr>
<td>Data collection</td>
<td>1/2</td>
<td>September</td>
</tr>
<tr>
<td>Data organization, Analysis and interpretation</td>
<td>1/2</td>
<td>October</td>
</tr>
<tr>
<td>Report writing and submission</td>
<td>1/2</td>
<td>October</td>
</tr>
</tbody>
</table>

Source: Author (2012)
<table>
<thead>
<tr>
<th>ITEM</th>
<th>ESTIMATED COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printing</td>
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</tr>
<tr>
<td>Binding</td>
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</tr>
<tr>
<td>Travelling</td>
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<td>Internet surfing</td>
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<tr>
<td>Subsistence</td>
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</tr>
<tr>
<td>Total</td>
<td>59000</td>
</tr>
</tbody>
</table>

Source: Author (2012)