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EDITORIAL

The Ghana Association of University Administrators (GAUA) as part of its mission to promote the advancement of Higher Education in Ghana and around the world provides policy reflective for national development. This is done through research reports, policy analysis, and reflective analysis among others. Mindful of this, the National Executive adopted this Journal from GAUA University of Education, Winneba branch in 2019 to advance this cause. The seventh edition of the journal is thus, the second edition since the adoption.

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Ensuring Administrative Justice in the Governance of Public Universities in Ghana: What University Administrators Must Know

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Abstract

Administrative justice encompasses matters of fairness in public service delivery as well as unfair administrative procedures or decisions and the resultant adverse effects on others. Public Administrators wield unfettered power so administrative decisions and actions are subject to judicial review once a person alleges that he or she is aggrieved as a result of administrative unfairness. Accordingly, some administrative decisions or actions by Ghanaian Public University Administrators found to be unfair or in contravention of statute or natural justice are likely to be quashed by the courts. This often leads to judicial review of administrative decisions and actions. However, internal adjudicating processes must be exhausted first especially in the case of public universities in Ghana. This is a position paper expressing experience-based opinion on the application of the principles of natural justice in the workplace. Relevant decided cases have been cited to enrich the discussions. Albeit the paper is specifically meant for the consumption of University Administrators, it also generically applies to other public administrators in Ghana. We, therefore, hope that the paper will not only become an educative piece but also a reference material for Public Administrators of all kinds.

Keywords: *Natural Justice; Procedural Impropriety; Hot Stove Rule; Prerogative Remedies*

Introduction

Good governance and legal principles such as rule of law, ethical conduct, transparency, accountability and fair hearing necessitate that public officials (for example, university administrators in Ghana) must follow due process before they take administrative decisions that affect other people.

It thus behoves Ghanaian public university administrators to exercise their discretionary powers fairly and reasonably in accordance with natural justice, laws establishing these universities, university statutes as well as relevant provisions of the 1992 Constitution. As day-to-day operating officers of public universities, the administrators perform critical roles in the decision-making and implementation processes. The decisions and actions of these administrators sometimes affect people adversely. Aggrieved persons often seek for redress before internal adjudicating bodies (Appeals Boards) and further to the courts if

some parties are not satisfied with the determinations made internally. In order to avoid unnecessary legal suits, administrators must, therefore, strictly adhere to all statutory procedures in the performance of their official duties.

Apart from nationally formulated public policies that guarantee administrative fairness in the work environment, organisational-specific polices also abound to ensure workplace fairness. For example, most of the public universities in Ghana have policies that prohibit sexual and physical harassments at the workplace with severe punishments for offenders. It behoves Public Administrators especially those in the public universities to apprise themselves with these laws and policies. Professional group leaders, for example, the national leadership of Ghana Association of University Administrators (GAUA) must also ensure that their members are well educated on the need to take matters of administrative fairness seriously.

This educative piece, therefore, seeks to refresh the minds of Public Administrators to apply natural justice principles in the workplace in the performance of their day-to-day duties.

Principles of Natural Justice

There are two principles of natural justice. They are Audi Alteram Partem and Nemo Judex in Causa Sua (Ahwoi, 2010; Barnes, Dworkin and Richards, 2000).

Audi Alteram Partem

Audi alteram partem is a Latin expression translated to mean that listen (audi) to the other (alteram) party (partem). It basically demands that a judge or an adjudicating body should fairly listen to all the parties in a case before passing judgment. Suffice to say that accused persons should not be condemned unheard.

According to the Bible, God first applied the natural justice principle of fair hearing in the Garden of Eden in the case we would like to refer to as *Adam v. Eve (Genesis 3: 9-19).* The facts are that, Adam admitted before God that he (Adam) ate a fruit God forbade him and Eve to eat. Adam then alleged that it was Eve who gave him the fruit and he ate it. Mindful of the natural justice principle of audi alteram partem, God listened to the two parties (Adam and Eve) before He passed judgement and placed hefty sanctions on the two offenders. Public Administrators need to be guided by this principle and apply it in settling disputes involving contending employees.

Article 23 of Ghana's Fourth Republican (1992) Constitution makes adequate provision for administrative fairness while article 33 (1) encourages a person whose fundamental human rights are breached to seek for redress in the High Court. Article 23 states, "*Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunal."* Article 33 (1) also states, "*Where a person alleges that a provision of this Constitution on the fundamental human rights and freedoms has been, or is being or is likely to be contravened in relation to him, then, without prejudice to any other action that is lawfully available, that person may apply to the High Court for redress."*

In **Awuni v West African Examination Council [2003-2004] 1 SCGLR 471**, the Supreme Court of Ghana held that in hearing a matter that comes under article 23 of the Constitution, questioning whether or not there is compliance with procedural requirements is more paramount than the substance of the matter. Adherence to procedural fairness thus takes precedence over an attempt to find out whether or not the aggrieved party has committed an illegality patent on the record.

Mindful of the scope of article 23, Sophia Akuffo, JSC (as she then was) commented on the Awuni case (ut supra) saying, "*Where a body or officer has an administrative function to perform, the activity must be conducted...to reflect the qualities of fairness, reasonableness and legal compliance…In particular, … where the likely outcome of an administrative activity is of a penal nature, no matter how strong the suspicion of the commission of the offence, it is imperative that all affected persons be given reasonable notice of the allegations against them and reasonable opportunity to be heard, if the objective of article 23 is to be achieved".*

In Ex parte **Salloum [2011] 1 SCGLR 574**, the Supreme Court again spoke poignantly through the lips of Anin Yeboah, JSC (as he then was) as follows:
"Equally so, if a party is denied his right to be heard … it should constitute a fundamental error for the proceedings to be declared a nullity. The Courts in Ghana and elsewhere seriously frown upon breaches of the audi alteram partem rule to the extent that no matter the merits of the case, its denial is seen as a basic fundamental error which should nullify proceedings made pursuant to the denial."

Nemo Judex In Causa Sua
This natural justice principle means that no one should be a judge in his own cause. Its application, therefore, guards against conflict of interest or bias in administrative decisions and actions. Jesus Christ applied this principle to prevent bias against the prostitute who was hauled before Him for judgement He pronounced in John 8:7 that, "*He that is without sin among you, let him first cast a stone at her."* This settled the matter brought before Jesus against the prostitute because her accusers were also guilty of other forbidden acts. Regarding the Nemo Judex in Causa Sua rule of natural justice, the Constitution, 1992 states in article 285, *"No person shall be appointed or act as the Chairman of the governing body of a public corporation or authority while he holds a position in the service of that corporation or authority."*

Essentially, the administrative essence of the Nemo Judex In Causa Sua principle of natural justice is to ensure that administrative authorities act impartially. This principle thus requires that public university administrators who are confronted with conflict of interest situations must recuse themselves so that the administrative decisions or actions so taken will not become bias. For example, daughter of a university Registrar has been scheduled for a job interview by a panel to be chaired by the Registrar. It behoves the Registrar to recuse himself or herself from the panel and inform the other panel members. In this case, the Registrar must equally not pull the proverbial strings in favour of his or her child's success at the interviews. The Registrar is a person made in the image of God so he or she is required to act fairly as God does.

However, the onus is always on the person alleging the administrative bias or injustice to prove it before a court or a quasi-judicial body. In ***Republic v High Court, Denu; Ex parte Agbesi Awusu II (No 2) (Nyonyo Agboada (Sri III) (interested party)) [2003-2004]* 2 SCGLR 864, the Supreme Court (SC) of Ghana held, *"a charge of bias or real likelihood of bias must be satisfactorily proven on the balance of probabilities by the person alleging same."***

In the application of the two natural justice principles (ut supra), judicial and administrative bodies are required to arrive at decisions and actions devoid of procedural impropriety. Procedural impropriety occurs when a public officer or an administrative body fails to act in accordance with laid down procedures in arriving at a decision. Procedural impropriety is an integral part of the grounds for judicial review of administrative decisions and actions.

Even when an accused is given adequate notice to appear before an investigative body or a court to speak in his own defense, procedural unfairness may occur during the investigations if the accused is intimidated or threatened or placed under duress of a sort. For example, it is procedurally unfair for an adjudicating panel to tell the accused, *"We have already taken decision but you may go ahead and tell us your side of the story."*

Natural Justice Principles and the Public University Administrator's Daily Duties

Natural justice relates to right and wrong actions. It is a law of nature. It is Biblically asserted that man is made in the image of God, God is good and acts fairly. As such, man must emulate God and act fairly and reasonably in his or her decisions and actions especially those that affect other persons. In addition, fair procedures must be used in arriving at those decisions and actions.

The 1992 Constitution has relevant provisions regarding administrative fairness or natural justice. Mindful of this, the Supreme Court of Ghana determined several cases of administrative justice. In taking administrative decisions and actions, public university administrators can draw plethora of lessons from those decided cases. One may refer to the Awuni case (ut supra) and *Aboagye v. Ghana Commercial Bank Ltd. [2001-2002] SCGLR 797*. The decisions in these two cases were based on relevant Constitutional provisions and natural justice.

Constitutional Aspects of Administrative Justice in Ghana and Related Case Law

The 1992 Constitution is the supreme law of Ghana [article 1(2); article 11 (1) (a)]. Article 1 (2) states, "*The Constitution shall be the supreme law of Ghana and any other law found to be inconsistent with any provision of this Constitution should, to the extent of the inconsistency, be void."* In listing the sources of law in Ghana in order of hierarchy, Article 11 (1) also provides, "*The laws of Ghana shall comprise a) this Constitution; b) enactments made by or under the authority of the Parliament established by this Constitution; c) any Orders, Rules and Regulations made by any person or authority under a power conferred by this Constitution. (d) the existing law; and (e) the common law."*

The Constitution also makes overt provisions regarding administrative fairness based on natural justice (articles 23, 33, 284, 285 and 296). We cited articles 23, relevant parts of 33 and article 285 earlier.

The Constitution equally requires that administrative decisions and actions must not only be fair but also rational or reasonable and should not be arbitrary and capricious (article 296). Specifically, article 296 (a) and (b) states, "Where in this Constitution or in any other law discretionary power is vested in any person or authority, (a) that discretionary power shall be deemed to imply a duty to be fair and candid; (b) the exercise of the discretionary power shall not be arbitrary, capricious or biased whether by resentment, prejudice or personal dislike and shall be in accordance with due process of law"For example, it will be unreasonable if an employer falsely imprisons or illegally detains an employee in a room overnight because the employee reported late for duty.

In the performance of their duties, public university administrators often take decisions and actions that adversely affect other people including but not limited to students and employees they supervise. Whenever these people are aggrieved by the administrative decisions and actions, they have the right to seek for review before internal adjudicating bodies and if they do not succeed, they may proceed first to the High Court for judicial review. In most public universities for example, Appeals Boards have been established for the purpose of quasi-judicial review of administrative decisions and actions. For example, in ***Republic v High Court, Cape Coast Ex parte: John Bondzie Sey and another (J5/74/2019) [2020] GHASC 6 (12 February 2020)*** where the University of Education, Winneba (UEW) dismissed Dr. Bekoe, the Supreme Court directed the UEW to establish an Appeals Board and equip it to further strengthen its internal disciplinary procedures. We have referenced this case in much detail later in this paper.

Also, in Awuni case (ut supra), the Supreme Court affirmed the principle of fairness in taking administrative and disciplinary actions. Accordingly, any public university administrative decision made in contravention of the 1992 Constitution, the university statute or any other law or natural justice is void to the extent of the inconsistency.

The facts of the Awuni case are that WAEC declared the appellant and 12 others as exam cheats and punished them without a hearing. They were banned from writing any WAEC examinations for 3 years. The WAEC legal counsel argued that the action was taken to protect the sanctity of the institution as an examination body so they did not need to invite the appellants for any hearing. The Court rejected this argument on grounds of administrative fairness as enshrined in the 1992 Constitution. Kpegah JSC asserted poignantly at 434, "*I cannot contemplate how a person could be said to have acted fairly and reasonably if he did not give either notice or hearing to another who was entitled to such notice or hearing before taking a decision which adversely affects his rights...*" Akuffo -JSC (as she then was) also opined that article 23 establishes administrative justice as a fundamental human right and mandates adherence to procedural fairness and application of the natural justice principles. Suffice to say that administrative functions in academic institutions such as WAEC and public universities must be performed fairly, reasonably and in compliance with law.

Said differently, administrative decisions taken on grounds of resentment, prejudice and personal dislike are unconstitutional and unfair. When brought before internal adjudicating bodies and the courts for review, such decisions will be set aside and the courts may award costs in favour of the aggrieved persons. In the Awuni case (ut supra) for example, a cost of GH¢35,000.00 was awarded against WAEC. This case equally presents a good lesson for university administrators investigating examination malpractices to adhere strictly to fair procedure as enshrined in the university statutes and student handbooks. For example, the UHAS Student Handbook, 2018 provides in section 10.25.2 that the Chief Invigilator or Examiner must report all examination malpractices to the Registrar and investigation of such malpractices must be subject to fair investigative procedure prior to sanctions.

In some cases, the grievance may emanate from summary dismissal of an employee just as it was in the Aboagye v. Ghana Commercial Bank Ltd case.

Touching on the code of conduct for public officers within the ambit of the natural justice principle of nemo judex in causa sua, article 284 of Ghana's Constitution, 1992 also states, "*A public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office."* Article 288 of the 1992 Constitution defines a public officer as "*a person who holds a public office."* In accordance with this provision and in line with university statutes, public university administrators are required to avoid conflict of interest enticements in the performance of their duties. For example, Statute 47 of the University of Health and Allied Sciences (UHAS) Fundamental Law points to the fact that a university board or committee member who is interested in the board decision must declare his interest and recuse himself from the meeting in respect of that decision. This provision equally applies to our hypothetical scenario that a registrar must recuse him or herself form a panel before which his or her daughter will appear for a job interview.

Application of Natural Justice at the Workplace

Administrative fairness or unfairness manifests itself in the work environment through employer-employee or employee-employee relationships. The administrative laws, policies, codes, rules and regulations guide fair practices at the workplace. They are used to correct unfair treatments.

In Ghana, the constitutional provisions on fair administrative practices as well as the natural justice principles have informed the enactment of other laws as well as workplace codes of conduct and disciplinary procedures. For example, one of the principles guiding the Ghana Health Service Code of Conduct and Disciplinary Procedures is, *"Ensuring high degree of justice, fairness and accountability within the laws of the land."* (Chapter 2 h). Also, Rule 11 (8) of the University of Ghana Appeals Board Rules, 2018 states, *"The rules of natural justice shall apply to all proceedings or the hearing of all matters before the Appeals Board."*

In order to ensure fair administrative practices in the workplace, UHAS has also formulated Fundamental Laws in the form of Statutes in tandem with its parent law (Act 828 of 2011). For example, Statute 23 of the UHAS Fundamental Law provides for the appointment of Senior Members based on the principles of fairness and without discrimination.

These workplace enactments that are ultimately in keeping with the provisions of the Constitution, 1992 and other laws guide work-related interpersonal relationships so far as administrative decisions and actions are concerned. The same enactments guide the courts, other adjudicating bodies, or quasi-judicial bodies such as the Commission on Human Rights and Administrative Justice, university Appeals Boards and the Labour Commission to arrive at fair judgments in grievances brought before them for determination.

In Aboagye v. Ghana Commercial Bank (ut supra), the defendant (Ghana Commercial Bank) dismissed the plaintiff (Aboagye) summarily and the plaintiff filed for judicial review of his dismissal at the High Court. He argued that his dismissal was ultra vires, null and void and ought to be quashed. He won the case at the High Court. GCB appealed at the Court of Appel (CA) against the High Court decision and got it reversed. The appellant (Aboagye) also appealed to the Supreme Court for reversal of the Court of Appeal's (CA) decision on different grounds, one of which was that the Court of Appeal's ruling breached natural justice. Therefore, the Supreme Court reversed the Court Appeal's ruling and held that the defendant bank did not follow fair procedure in dismissing the appellant and therefore breached natural justice. Sections 62, 63 and 65 of the Labour Law (Act 651 of 2003) also make relevant provisions regarding fair and unfair termination of employment.

Natural Justice and the Hot Stove Rule

Douglas McGregor (1960), proposed a management principle called the hot stove rule, which applies to taking fair disciplinary actions in organisational settings. McGregor envisaged that an effective application of the hot stove rule in the workplace would eliminate resentments emanating from unfair disciplinary actions. One may assert that the features of the hot stove rule are in line with the fairness principles of natural justice discussed earlier in this paper.

The features of the hot stove rule are forewarning, immediate result, consistent result, and impersonal. They are explained briefly below.

a. ***Forewarning***

Just as God cautioned Adam and Eve in the Garden of Eden not to eat the forbidden fruit, the McGregor hot stove gives forewarning to a person who wants to touch it. The warning is that if you touch the hot stove, it will burn you immediately. Temperature, therefore, increases as a forewarning any time a person gets closer to the hot stove. The stove must warn university students and employees in the same way. They must be aware of possible sanctions prior to committing an offence.

b. ***Immediate Result***

Regardless of social status and personal qualities, a person gets burned immediately he or she ignores the forewarning and touches the hot stove. The hot stove focuses on punishing the offence and not the person of the offender. In real life situations, an offense must be investigated and punished within a reasonable time. For example, a university worker involved in absenteeism in his first year of employment should not be left unsanctioned until five years later. Similarly students involved in examination malpractices must be timely investigated and

sanctioned when found guilty. The sanctions must not be delayed until the students are about to graduate.

c. ***Consistent Result***

In order to be consistent in burning offenders, the hot stove must always remain hot. The consistency in the burns takes away favouritism (nepotism, ethnocentrism, etc) in the designed disciplinary system at the workplace. For example, both Junior and Senior Members who committed sexual offences and reported to the University Management must be made to face the Anti-Sexual Harassment Committee and sanctioned when found guilty. Each offender must be given a fair hearing before the sanctions.

d. ***Impersonal***

The hot stove is impartial in its burning effects. Its burning effects upon touch should not be bias towards any member of the university. A public university's code of conduct and disciplinary procedures must apply for the stipulated offences regardless of who is involved. If an established sexual harassment in the university is an offence that attracts dismissal and some Cleaners were sacked as a result, the Vice Chancellor (VC) should not be spared when found to have committed the same offence.

In summary, the hot stove forewarns members of the university ahead regarding the general and disciplinary implications of an offence. Any deviation from the hot stove rule in the disciplinary procedures at the workplace should be deemed as an act inconsistent with natural justice.

Remedies for Addressing Administrative Injustice

Many public universities have Appeals Boards and these Boards exercise their adjudicating powers to ensure that university administrators' actions are consistent with the Acts and Statutes. It is instructive to indicate that members of the public university communities must adhere to the required internal adjudicating processes enshrined in relevant Acts and Statutes, which are necessary and sufficient conditions that ought to be met before an aggrieved person invokes the jurisdiction of the High Court.

Persons whose fundamental human rights are abused administratively are entitled to certain prerogative remedies enshrined under article 33 (1) and 33 (2) of the Constitution, 1992. In the case of public universities, the aggrieved persons may seek for legal redress at the High Court only after they have exhausted internal adjudicating processes. The Constitution clothes the High Court with the original jurisdiction to issue the prerogative remedies in various forms or nature as the court may deem appropriate for the purposes of enforcing the constitutional and other statutory provisions. Articles 33 (3) and 132 guarantee appeals to the Court of Appeal and ultimately to the Supreme Court against the High Court's decision in such matters (refer to Awuni v WAEC).

There are many of such prerogative orders but the 1992 Constitution lists only five (5) of them namely:

a. Certiorari

This is a reactive quashing order that the High Court issues to set aside the previous decisions or actions taken by a lower court, a quasi-judicial body or an administrative body or public officer. One may say that Certiorari is a legal eraser that is used to clean an administrative injustice that had already taken place. In Awuni v WAEC the Supreme Court quashed the Court of Appeal's decision with certiorari.

b. Prohibition

Prohibition is a preventive quashing order that the High Court issues to prevent the lower courts and administrative bodies or officials from taking certain decisions or actions. A member of the university can file at the High Court for prohibition to prevent an impending administrative decision he deems unfair. Unlike Certiorari, Prohibition prevents an action or decision from being taken. The aggrieved person may however file for both Certiorari and Prohibition simultaneously (See Ex parte J*ohn Bondzie*, ut supra).

The facts of the Ex parte J*ohn Bondzie case* are that on 22nd February 2018, Dr. Samuel Ofori Bekoe (interested party) allegedly misconducted himself at a meeting held by the University of Education, Winneba (UEW) Governing Council (GC). Dr. Bekoe was the Convocation's representative on the University Council. His alleged misconduct was threat of harm. He said, **"If *this thing does not stop from tomorrow, I will start chasing people with a cutlass. Tomorrow is Academic Board Meeting and I will come butchering people with a cutlass."***

Using the internal disciplinary procedures, the University Council dismissed Dr. Bekoe. Dr. Bekoe filed for judicial review in the nature of Certiorari and Prohibition at the High Court, Cape Coast to challenge his dismissal. The High Court however denied him the remedies he sought. It must be reiterated that the Supreme Court had ruled on several occasions in the past that Certiorari, Prohibition, Mandamus and Habeas Corpus are discretionary or gracious remedies so the courts may grant them or not. One may refer to ***Republic v. High Court, Accra; Ex parte Aryeetey (Ankrah Interested Party) [2003-2004] 1 SCGLR 398*** **and** ***Republic v. High Court, Denu; Ex parte Agbesi Awusu II (No.2) (Nyonyo Agboada (Sri III) Interested Party) [2003-2004] 2 SCGLR 907.***

In September 2019, John Bondzie Sey (Ex parte) sought at the Supreme Court for the order of Certiorari to quash the decision of the High Court and a declaration that the Governing Council's dismissal of Dr. Bekoe breached natural justice. He also sought for an order to reinstate Dr. Bekoe. The Supreme Court, however, dismissed Sey's application in its entirety and directed the UEW to ensure that its Appeals Board is well equipped to settle all disputes.

c. Mandamus

When university administrators fail or refuse to perform mandated official duties, the aggrieved persons may seek for Mandamus at the High Court. Mandamus is an order the High Court issues to compel the performance of those official duties denied aggrieved persons (Ahwoi, 2010). For example, if the university fails to promote a worker for an unjust cause, the worker may seek for Mandamus at the

High Court after exhausting all internal procedures put in place to address such concerns.

d. Quo Warranto

Quo Warranto is a Latin expression, which means by what warrant (Ahwoi, 2010). By what authority does a person occupy an administrative position and exercise positional power therefrom? It is an order the High Court issues when a person's occupancy of a position is not based on the right law or procedure. It is used to oust an unmerited public officer from a position. It underscores the relevance of employment or appointment letters or contract documents. Quo Warranto will still prevail against a public officer whose tenure of office has ended but he or she fails to exit the position. The most seminal Quo Warranto cases in Ghana are ***Gyima and Others v. Agyeman & another (1980, JELR 69533) and Gyima and Republic v. Executive Chairman, Kumasi City Council; exparte Gyimah and Others [1981] GLR 466***. In these two cases, Quo Warranto was issued at first but the court denied the applicants in the second case. Nana Akwasi Agyeman's position as the Chairman of Kumasi City Council (KCC) now called Kumasi Metropolitan Assembly was challenged in court by 14 Councillors of the KCC.

e. Habeas Corpus

This order requires a detaining authority to bring the detainee alive before the court or an adjudicating body for a fair trial. The offender must not be condemned unheard. It helps the High Court to question the legal basis on which a person is being detained. It is used to challenge false imprisonment or irrational or illegal detentions. However, Habeas Corpus does not have any impact on the substantive case before the courts. For instance, the worker is being detained unlawfully because he slapped the VC on duty. The fact that the court issues Habeas Corpus to cause the detainee's removal from illegal custody does not mean he is vindicated of slapping the VC, which is the substantive matter. The most celebrated Habeas Corpus Case in Ghana is *in re Akoto* (1961), 2GLR 253). It was a First Republican case in which both the High Court and the Supreme Court failed to grant Habeas Corpus to Baffour Osei Akoto and 14 others who were detained under the Preventive Detention Act (PDA), 1958. The PDA was in contravention of the 1960 or First Republican Constitution.

Conclusion

It is evident from the Constitution, 1992, university statutes and decided cases cited in this paper that unfair exercise of administrative powers in public universities has legal and financial ramifications for administrative officials and bodies. University administrators must therefore adhere to fair procedure in arriving at decisions. To this end, university administrators must apprise themselves with existing laws and regulations that govern operations within their universities. They must also seek advice from legal counsels when making decisions that may adversely affect others. Every administrative step taken must be based on fairness as illustrated with the hot stove rule.

It is a trite rule of law assertion that no one is above the law. Because of Lord Acton's dictum that power corrupts and absolute power corrupts absolutely, the law places

limitations on public administrators' exercise of discretionary power. This is to forestall abuse of power and to eschew procedural impropriety.

Accordingly, university and other public administrators must be mindful of the constitutional and other statutory provisions on administrative practices, natural justice principles, the hot stove rule and the fact that persons aggrieved as a result of administrative decisions and actions can seek for redress at the courts or before quasi-judicial bodies like university Appeals Boards. The courts may uphold or quash such administrative decisions brought before them by aggrieved persons.

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