

Approved for tabling *BAT*

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SECOND SESSION, 2018

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

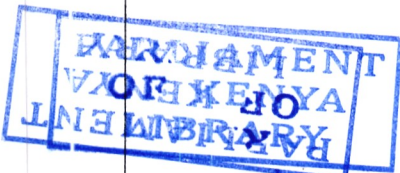
REPORT ON THE PETITION ON SWEEPING REFORMS IN KENYA'S  
PUBLIC UNIVERSITIES

Directorate of Committee Services  
Clerk's Chambers  
National Assembly  
NAIROBI



OCTOBER 2018

*SNA*  
*17/10/18*  
*Paper laid by the*  
*Chairperson Departmental*  
*Committee on Education*  
*& Research on (18/10/18*  
*Afternoon sitting)*



## 1.0 PREFACE

### Hon. Speaker,

The Departmental Committee on Education and Research is established under the National Assembly Standing Order 216.

### 1.1 Mandate of the Committee

The Committee is mandated, among others, to: -

- i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- ii) study the programmes and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iii) study and review all legislation referred to it;
- iv) study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- vi) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- vii) examine treaties, agreements and conventions;
- viii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- ix) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- x) examine any questions raised by Members on a matter within its mandate

### 1.2 Committee Membership

The Committee comprises of the following Members:-

1. Hon. Julius Melly, MP - **Chairperson**
2. Hon. Amos Kimunya, EGH, MP - **Vice-Chairperson**
3. Hon. Moses Malulu Injendi, MP

4. Hon. Geoffrey Makokha Odanga, MP
5. Hon. (Dr.) Pamela Ochieng, MP
6. Hon. (Eng.) Nzambia Thuddeus Kithua, MP
7. Hon. (Prof.) Zadoc Abel Ogutu, MP
8. Hon. Catherine Wambilyanga, MP
9. Hon. Eric Muchangi Njiru, MP
10. Hon. Eve Obara, MBS, MP
11. Hon. Jackson Lekumontare, MP
12. Hon. Jerusha Mongina Momanyi,
13. Hon. John Oroo Oyioka, MP
14. Hon. Joseph Kipkosgei Tonui, MP
15. Hon. Lilian Cheptoo Tomitom, MP
16. Hon. Omboko Milemba, MP
17. Hon. Peter Lochakapong, MP
18. Hon. Wilson Sossion, MP
19. Hon. Wilson Kipng'etich Kogo, MP

#### **Committee Secretariat**

The Committee secretariat comprise the following officers: -

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Mr. Eric Kanyi - Fiscal Analyst III
4. Ms. Annceta Gacheri - Research Officer III
5. Ms. Emma Essendi - Legal Counsel II
6. Ms. Winnie Kiziah - Media Relations Officer
7. Mr. Nimrod Ochieng - Audio Officer
8. Ms. Catherine Mukunyi - Serjeant At Arms

#### **1.3 Committal of Petition**

Pursuant to Standing Order 220 and Section 4 (1) (a) of the Petition to Parliament (Procedure) Act, 2012, Mr. Njoroge Waweru on 2<sup>nd</sup> May 2018 presented a Public Petition to the National Assembly on *Sweeping Reforms on Kenya's Public Universities (ANNEX 1)*.

The Petition was referred to the Departmental Committee on Education and Research pursuant to Standing Order 227 for consideration.

The Petitioner drew the attention of the National Assembly to the following:

1. That there is a serious sustained crisis afflicting the higher education sector which if not urgently and holistically addressed, many public universities will soon collapse and the reputation of Kenya's education system will be greatly jeopardised.

2. That the magnitude of the crisis at hand is so ubiquitous, entrenched, and astounding that the attention of the Ministry of Education, however well-meaning seems not to suffice in arresting it.
3. That the propulsion of the higher education expansion having reposed to meretriciously, it can never be so opportune than now to ask all questions on what really happened to the sector.
4. That the matter raised in the petition is not pending in any court of law but the Ministry of Education has since 2012 employed a number of legislative and administrative interventions which unfortunately have not yielded any reforms in higher education.
5. That the Cabinet Secretary for Education has since conceded that public universities are confronted with multiple challenges like poor management and low academic output.

The Petitioner prayed that the National Assembly deliberates on the crisis in higher education as a matter of national importance and pass a resolution of the House forming an inquiry composed of the most accomplished university administrators from the world's most acclaimed universities to investigate among others:

- (i) *The administration of universities.*
- (ii) *The criterion of recruiting Vice-Chancellors and other university administrators.*
- (iii) *The modus operandi of appointing university council members and the value council members lend to the universities.*
- (iv) *The regulatory regime giving oversight to universities in Kenya.*
- (v) *Academic programmes and facilities.*
- (vi) *Status, quality and fate of module II programmes.*
- (vii) *Supervision of PhD students.*
- (viii) *Capacity and adequacy of faculty.*
- (ix) *Research output.*
- (x) *Publishing; and,*
- (xi) *Management of resources.*

#### **1.4 Committee Proceedings**

The Petition was placed before the Departmental Committee on Education and Research Sub-Committee on University Education. In considering the Petition, the Sub-Committee held a total of four (4) sittings. The Petitioner appeared before the Sub-Committee on 3<sup>rd</sup> July, 2018. During the Sittings, the Sub-Committee received oral and written submissions from the Petitioner. The Sub-Committee thereafter considered and deliberated on the Prayers by the Petitioner.



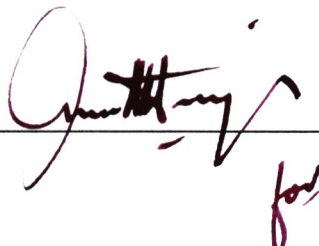
The records of evidence adduced, documents and notes received by the Sub-Committee form the basis of the Committee's observations/findings and recommendations as outlined in the Report and can be obtained in the Parliamentary Library.

### **1.5 Acknowledgement**

The Committee wishes to record its appreciation to the Office of the Speaker and the Clerk of the National Assembly for facilitation in fulfilment of its mandate. The Committee is also grateful to the staff of the National Assembly for the services they rendered. It is their commitment and dedication to duty that made the work of the Committee and production of this Report possible.

#### **Hon. Speaker,**

On behalf of the Members of the Departmental Committee on Education and Research, I beg to table the Report on the Petition *on Sweeping Reforms in Kenya's Public Universities* pursuant to Standing Order 227.

Sign  Date 16/Oct/2018

**HON. JULIUS MELLY, MP**

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION AND  
RESEARCH**

## **2.0 CONSIDERATION OF THE PETITION**

The Petitioner, Mr. Njoroge Waweru appeared before the Sub-Committee on University Education on 3<sup>rd</sup> July 2018 and presented his Prayers that the National Assembly deliberates on the crisis facing higher education as a matter of national importance and pass a resolution of the House to form an inquiry composed of the most accomplished university administrators from the world's most acclaimed universities to investigate among others:

- (i) The administration of public universities in Kenya.
- (ii) The criterion of recruiting Vice-Chancellors and other university administrators.
- (iii) The modus operandi of appointing university council members and the value council members lend to the universities.
- (iv) The regulatory regime giving oversight to universities in Kenya.
- (v) Academic programmes and facilities.
- (vi) Status quality and fate of module II programmes.
- (vii) Supervision of PhD students.
- (viii) Capacity and adequacy of faculty.
- (ix) Research output.
- (x) Publishing; and,
- (xi) Management of resources.

## **3.0 COMMITTEE'S OBSERVATIONS AND FINDINGS**

The Committee observed that:

1. The Petitioner failed to provide evidence and facts to support his allegations that public universities in Kenya are under a serious crisis ranging from poor administration, absence of a clear procedure of recruiting University Chancellors, Vice-Chancellors, University Council members and other university administrators.
2. Further the Petitioner could not prove his averment that the regulatory regime giving oversight to university academic programmes, facilities, quality of module II programmes, supervision of PhD students and management of university resources amongst others is weak and ineffective.
3. The Universities Act, 2012 with proposed amendments in the Statute Law (Miscellaneous Amendments) Bill, 2018, National Assembly Bills No. 12, currently before the National

Assembly, provides clear guidelines on the criteria of recruitment, appointment and tenure of office of University Council, Chancellor, Vice-Chancellor or Deputy Vice Chancellor of a public university or Principal or Deputy Principal of a constituent college.

4. The Commission for University Education as established by the Universities Act, No. 42 of 2012 regulates the quality of university education through setting standards, issuing guidelines and monitoring compliance to achieve global competitiveness by:
  - (i) Setting and assuring standards relevant in the quality of university education, including the promotion and maintenance of internationally recognized standards;
  - (ii) Monitoring and evaluating the state of university education systems in relation to the national development goals;
  - (iii) Undertaking regular inspections, monitoring and evaluation of universities to ensure compliance with the provisions of Universities Act, 2012 or any relevant regulations;
  - (iv) Promoting quality research and innovation; and,
  - (v) Accrediting universities and ensuring that the institutions concerned have adequate physical, human and financial resources, and offer viable, quality and relevant academic programmes including module II programmes.

#### **4.0 COMMITTEE'S RECOMMENDATIONS**

Based on the above observations and findings on the consideration of the Prayers of the Petitioner, the Committee **rejects** the Prayer of forming a commission of inquiry to investigate the alleged crisis facing university education in Kenya as presented by the Petitioner and recommends as follows:

- 1. The Commission for University Education should continuously address the need to regulate, coordinate and assure the highest quality in university education as a result of growth and expansion of the university sub sector in Kenya.**
- 2. The Vice-Chancellors of various universities should ensure that their respective universities promote the highest standards of teaching and learning and institutionalize internal quality assurance mechanisms in academic programmes and management of university resources. Universities should only offer those programmes that are commensurate with the institutional accreditation status and meet the set standards.**

**ADOPTION OF THE REPORT ON THE PETITION ON SWEEPING REFORMS  
IN KENYA'S PUBLIC UNIVERSITIES**

**We the undersigned, hereby affix our signatures to this Report to affirm our approval**

1. Hon. Julius Melly, MP - Chairperson



2. Hon. Amos Kimunya, EGH, MP - Vice-Chairperson



3. Hon. Moses Malulu Injendi, MP



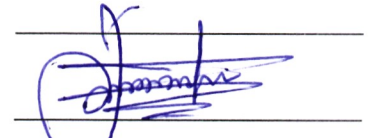
4. Hon. Geoffrey Makokha Odanga, MP



5. Hon. (Dr.) Pamela Ochieng, MP



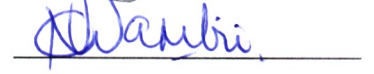
6. Hon. (Eng.) Nzambia Thuddeus Kithua, MP



7. Hon. (Prof.) Zadoc Abel Ogutu, MP




8. Hon. Catherine Wambilyanga, MP



9. Hon. Eric Muchangi Njiru, MP



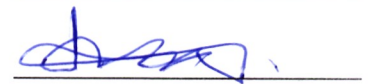
10. Hon. Eve Obara, MBS, MP



11. Hon. Jackson Lekumontare, MP



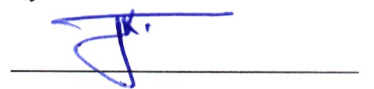
12. Hon. Jerusha Mongina Momanyi, MP



13. Hon. John Oroo Oyioka, MP



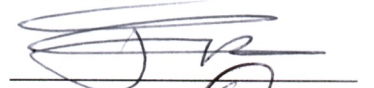
14. Hon. Joseph Kipkosgei Tonui, MP



15. Hon. Lilian Cheptoo Tomitom, MP



16. Hon. Omboko Milemba, MP



17. Hon. Peter Lochakapong, MP

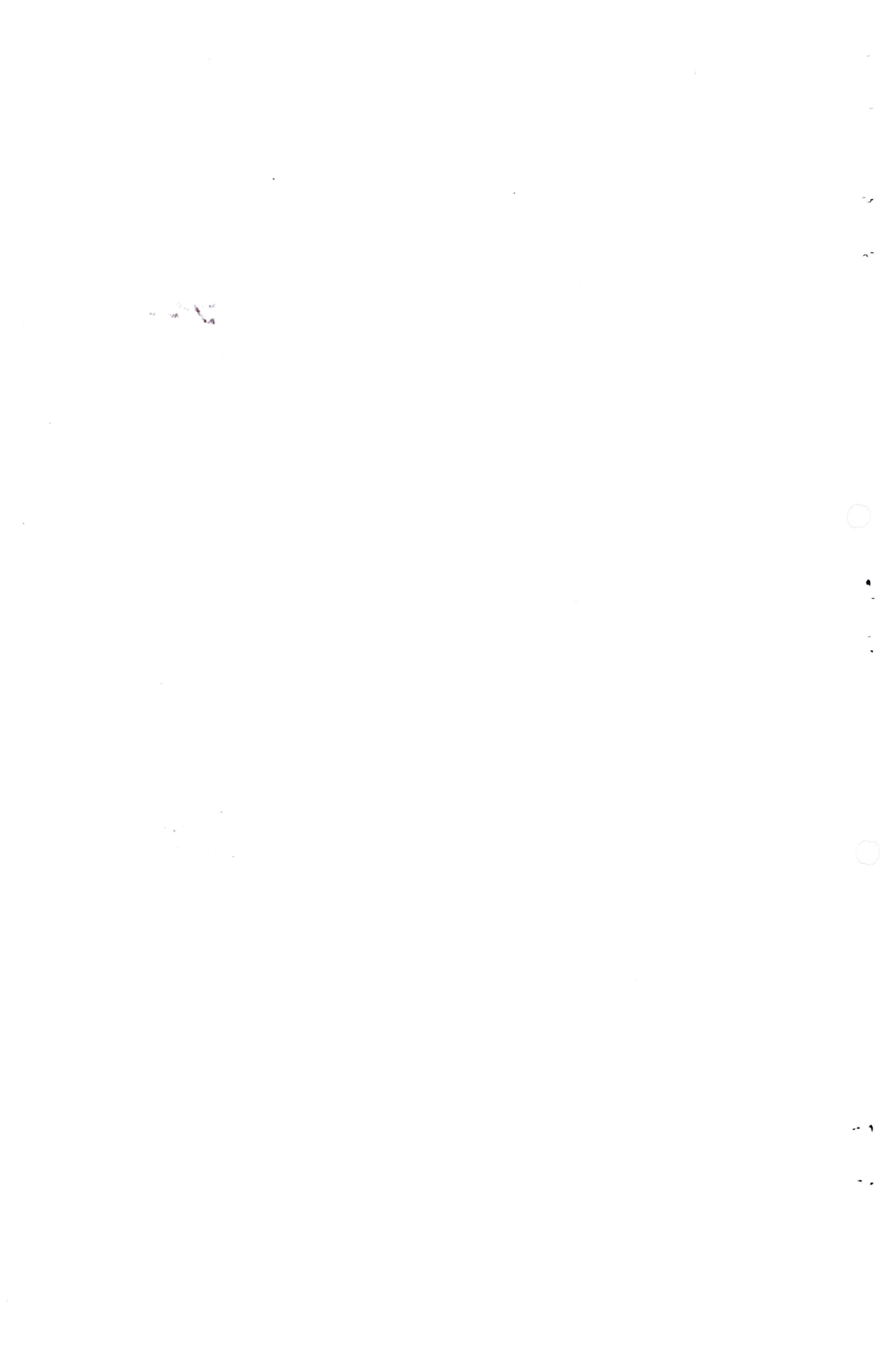


18. Hon. Wilson Sossion, MP



19. Hon. Wilson Kipng'etich Kogo, MP





# **ANNEX I - PETITION**



REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT (2<sup>ND</sup> SESSION)

PUBLIC PETITION

NO. 017 OF 2018

CONVEYANCE OF A PETITION REGARDING SWEEPING  
REFORMS IN KENYA'S PUBLIC UNIVERSITIES

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**Honourable Members,**

Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office has received a Petition signed by one Mr. Njoroge Waweru of P. O. Box 287, Kikuyu.

**Honourable Members,**

The Petitioner avers that there have been numerous challenges facing the higher education sector in the country ranging from administration, recruitment of Vice Chancellors, appointment of University council members, academic programs and facilities, Research output and Publications among other aspects.

**Honourable Members,**

The Petitioner further contends that these challenges have far much affected the access and realization of higher education in the country. Further, he is concerned that if the challenges are not addressed, they would lead to collapse of public universities and in the long run jeopardise Kenya's higher education system.

**Honourable Members,**

The Petitioner therefore prays that the National Assembly:

- (i) deliberates on the crisis facing higher education institutions and forms a commission of inquiry to investigate among other things, the administration of universities, criteria for recruiting Vice Chancellors and other administrators, appointment of University Council Members, formation of regulatory framework to strengthen universities and management of resources.

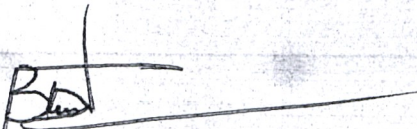
- (ii) makes any other order or direction that it deems fit in the circumstances of this matter.

**Honourable Members,**

Pursuant to the provisions of Standing Order 227, this Petition therefore stands committed to the Departmental Committee on Education and Research for consideration. The Committee is requested to consider the Petition and report its findings within sixty days in accordance with Standing Order 227(2).

I am aware that the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018) now before the various Departmental Committees, makes specific proposals regarding appointment of Vice Chancellors of Universities. The Committee is encouraged to hear the Petitioner as it considers the provisions and is at liberty to incorporate his prayers in their proposed amendments to the Bill.

I thank you!



**THE HON. JUSTIN B.N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Tuesday, June 05, 2018



PETITION TO THE NATIONAL ASSEMBLY  
ON  
SWEEPING REFORMS IN KENYA'S  
PUBLIC UNIVERSITIES

*Respectful  
Marany  
For you necessary  
action.  
Jug 2  
2/5/11*

I, Mr. NJOROGE WAWERU of ID No. 12943577, in my capacity as a staunch believer in the traditional mission of the University,

Draw the attention of parliament to the following: -

1. **THAT**, there is a serious, sustained crisis afflicting the higher education sector which if not urgently and holistically addressed, many public universities will soon collapse and the reputation of Kenya's education system will be greatly jeopardized.
2. **THAT**, the magnitude of the crisis at hand is so ubiquitous, entrenched, and astounding that the attention of the ministry of education however well meaning seems not to suffice in arresting it.
3. **THAT**, the propulsion of higher education's expansion having reposed so meretriciously, it can never be so opportune than now to ask all the hard questions on what really happened to the academy.
4. **THAT**, the matter raised in this petition is not pending in any court of law but the ministry of education has since 2012 employed a number of legislative and administrative interventions which unfortunately haven't yielded any reforms in higher education.
5. **THAT**, the cabinet secretary for education has since conceded that public universities are confronted with multiple sieges like poor management and low academic output. Therefore, your humble petitioner pray that the National Assembly deliberates the crisis in higher education as a matter of

*Handwritten notes at the bottom left corner, including "Mr. Njoroge Waweru" and other illegible text.*

PETITION TO THE NATIONAL ASSEMBLY  
ON  
SWEEPING REFORMS IN KENYA'S  
PUBLIC UNIVERSITIES

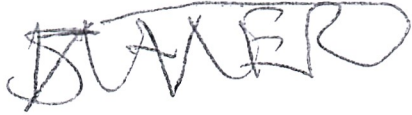
national importance and pass a resolution of the house forming a commission of inquiry composed of the most accomplished university administrators from the world's top acclaimed universities like Glasgow, Leeds, Warwick, Cambridge, Oxford and the Ivy League Universities, to investigate among other things;

- i) The administration of universities.
- ii) The criterion of recruiting Vice Chancellors and other university administrators.
- iii) The modus operandi of appointing university council members and value council members lend to universities.
- iv) The regulatory regime giving oversight to universities in Kenya.
- v) Academic programs and facilities.
- vi) Supervision of PhD students
- vii) Capacity and adequacy of faculty.
- viii) Research output.
- ix) Publishing and
- x) Management of resources.

And there after offer radical proposals which can modernize the academy in Kenya into world class universities and restore the traditional mission of the university.

And there after offer radical proposals which can modernize the academy in Kenya into world class universities and restore the traditional mission of the university.

And your PETITIONER will ever pray,



NJOROGE WAWERU

ID NO .....12943577.....

P.O.BOX .....287 KIKUYU .....

TEL: 0731818134

EMAIL: njwasa@yahoo.com

30<sup>TH</sup> APRIL 2018

# **ANNEX II - MINUTES**

MINUTES OF THE 46<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON TUESDAY 2<sup>ND</sup> JULY, 2018 IN 4<sup>TH</sup> FLOOR BOARDROOM, PROTECTION HOUSE  
PARLIAMENT BUILDINGS AT 10.00 AM

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**PRESENT**

1. Hon. Moses Injendi, MP - Session Chair
2. Hon. Geoffrey Odanga, MP
3. Hon. (Prof.) Zadoc Ogutu, MP
4. Hon. Jerusha Momanyi, MP
5. Hon. (Eng.) Nzambia Kithua, MP
6. Hon. Catherine Wambilianga, MP
7. Hon. Jackson Lekumontare, MP
8. Hon. Joseph Tonui, MP
9. Hon. Omboko Milemba, MP
10. Hon. Peter Lochakapong, MP
11. Hon. Wilson Kogo, MP

**ABSENT WITH APOLOGY**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
3. Hon. (Dr.) Pamela Ochieng, MP
4. Hon. Eve Obara MBS, MP
5. Hon. Eric Muchangi, MP
6. Hon. Lilian Tomitom, MP
7. Hon. Oroo Oyioka, MP
8. Hon. Wilson Sossion, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Philip Lekarkar - Clerk Assistant III
2. Ms. Emma Esendi - Legal Counsel
3. Ms. Annceta Gacheri - Research Officer
4. Mr. Nimrod Ochieng' - Audio Officer

**PETITIONER**

1. Mr. Waweru Njoroge

**MIN.NO. /EDUC/2018/231: PRELIMINARIES**

The Chair called the meeting to order at 10.15 am thereafter followed by prayers.

**MIN.NO. /EDUC/2018/232: CONFIRMATION OF MINUTES**

Confirmation of minutes was deferred to the next sitting

**MIN. NO./EDUC/2018/234: CONSIDERATION OF THE PETITION ON SWEEPING  
REFORMS IN KENYA'S PUBLIC UNIVERSITIES**

The Petitioner Mr. Njoroge Waweru appeared before the Committee to present his prayers as contained in the petition on Sweeping Reforms in Kenya's Public



Universities.

The petitioner's prayer is that the National Assembly deliberates on the crisis in higher education and forms a commission of inquiry to investigate:

- (a) the administration of universities;
- (b) the criteria for recruiting Vice-Chancellors and other administrators;
- (c) the procedure for appointing council members and the value of the council members to universities;
- (d) the regulatory framework to oversight universities;
- (e) the academic programmes and facilities;
- (f) the status, quality and fate of Module II programmes;
- (g) the supervision of PhD students;
- (h) the capacity and adequacy of faculties in universities;
- (i) research output;
- (j) publications; and
- (k) management of resources.

#### **Committee Observation**

The Committee observed that the petitioner lacked supporting documents to substantiate his arguments and that the petition did not have a serious purpose or value.

#### **Committee Resolutions**

Due to the Foregoing the Committee dispense off with the petition.

#### **MIN. NO./EDUC/2018/235: ANY OTHER BUSINESS**

Hon. (Eng) Nzambia Kithua Mp thanked the Committee members for their contribution towards Hon. Malulu Injendi bereavement.

Hon. Malulu Injendi recorded his appreciation for the support he received from the  
the Committee members.

#### **MIN. NO./EDUC/2018/236: ADJOURNMENT**

There being no other business the meeting was adjourned at 12: 38 pm. The next meeting will be held on Thursday 5<sup>th</sup> July, 2018 at 10.00am.

Signed.....

*for* Hon. Julius Melly MP  
(Chairman)

Date.....16/10/18

MINUTES OF THE 67<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
EDUCATION AND RESEARCH HELD ON THURSDAY, 11<sup>TH</sup> OCTOBER, 2018 IN THE  
LOUNGE, NEW WING, MAIN PARLIAMENT BUILDINGS AT 10:00 AM

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**PRESENT**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Moses Injendi, MP
3. Hon. (Prof.) Zadoc Ogutu, MP
4. Hon. Eve Obara MBS, MP
5. Hon. Omboko Milemba, MP
6. Hon. Peter Lochakapong, MP
7. Hon. Wilson Sossion, MP
8. Hon. Jerusha Momanyi,
9. Hon. Oroo Oyioka, MP
10. Hon. Wilson Kogo, MP

**ABSENT WITH APOLOGY**

1. Hon. Amos Kimunya EGH, MP - Vice Chairperson
2. Hon. Geoffrey Odanga, MP
3. Hon. (Dr.) Pamela Ochieng, MP
3. Hon. (Eng.) Thaddeus Nzambia Kithua, MP
4. Hon. Catherine Wambilianga, MP
6. Hon. Eric Muchangi, MP
7. Hon. Joseph Tonui,
8. Hon. Jackson Lekumontare, MP
9. Hon. Lilian Tomitom, MP

**IN-ATTENDANCE - NATIONAL ASSEMBLY**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Ms. Annceta Cacheri - Research Assistant
3. Mr. Nimrod Ochieng' - Audio Officer

**MIN. NO. /EDUC/2018/340: PRELIMINARIES/ADOPTION OF THE AGENDA**

The Chairman called the meeting to order at 10:15 am. A Prayer was said. The Agenda of the Meeting was adopted as the true business for the day after having been proposed by Hon. Oroo Oyioka, MP, and seconded by Hon. Hon. Moses Injendi, MP.

**MIN.NO./EDUC/2018/341: CONFIRMATION OF MINUTES**

Confirmation of Minutes of the previous Sitting were deferred to the next Meeting.



MIN.NO./EDUC/2018/342: CONSIDERATION AND ADOPTION OF COMMITTEE REPORTS

1. REPORT ON THE PETITION ON SWEEPING REFORMS IN KENYA'S PUBLIC UNIVERSITIES

The Committee deliberated on the report on the Petition on Sweeping Reforms in Kenya's Public Universities and made changes as follows: -

In recommendation 1;

The Commission for University Education should *continuously* address the need to regulate, coordinate and assure highest quality in university education as a result of growth and expansion of the university sub-sector in Kenya.

The report was thereafter adopted after having been proposed by Hon. Moses Injendi, MP, and seconded by Hon. Jerusha Mwanjani, MP.

The concealed part of this page contain minutes of deliberations of a different report still under consideration by the Committee

NO./EDUC/2018/342: ANY OTHER BUSINESS

There was no item for discussion.

NO. /EDUC/2018/343: ADJOURNMENT

As being no other business, the meeting was adjourned at 12.30 pm. The next meeting is held on Tuesday 16<sup>th</sup> October, 2018 at 10 am.

Signed.....

Hon. Julius Melly, MP  
(Chairman)

Date: 16/10/18.....