

(Legislative Supplement No. 24)

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THE UNIVERSITIES ACT

(No. 42 of 2012)

THE UNIVERSITIES REGULATIONS, 2023

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THE UNIVERSITIES ACT, 2012

(No. 42 of 2012)

IN EXERCISE of the powers conferred by section 70 of the Universities Act, 2012, the Cabinet Secretary, Ministry of Education, makes the following Regulations—

THE UNIVERSITIES REGULATIONS, 2023

PART I — PRELIMINARY

1. These Regulations may be cited as the Universities Regulations, 2023. Citation.

2. In these Regulations, unless the context otherwise requires — Interpretation.

“academic character” means the aggregate of distinctive features of a university as demonstrated by its academic activities including the disciplines covered by majority of its academic programmes, consistent with the philosophy of the university;

“academic programme” means the design of learning content, which is multi-dimensional and includes intentions, structure of content, delivery modes, academic resources and assessment modes;

“academic resources” means resources including, infrastructure, human and information resources to support academic programmes;

“academic staff” means a person who has been appointed to teach, train or to do research in a University and any other employee designated as such by the University council;

“academic year” means a period of teaching and examination organized in a full year in either two, three or four segments;

“access” means the opportunity availed for one to enter education and training;

“accreditation” means the procedure by which the Commission formally recognizes an institution as a University, and having fulfilled the prescribed criteria for mounting its academic programmes;

No. 42 of 2012.

“Act” means the Universities Act, 2012;

“acquisition” means takeover or purchase of one university or institution by another;

“admission” means the act of, or system for, allowing qualified applicants to pursue studies in University education at a given institution or in a given qualification;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for University Education;

“certificate” means the level of qualification below Diploma;

“Charter” means the Charter granted to a University under sections 19, 24 or 25;

“collaboration” means an arrangement between a foreign university and a local university or institution, and between a local

university and local university or institution for purposes of offering academic programmes;

“Commission” means the Commission for University Education established under section 4 of the Act;

“course” means a single unit in a programme of study;

“curriculum” means a documented programme of study;

“constituent college” means a constituent college of a University established under the Act;

“Council” means a body established under section 35(1) (a) of the Act;

“degree” means an award, above the level of a diploma, conferred by a university or institution upon the decision of the Senate, signifying that the recipient has satisfactorily completed a course of study at the specified level;

“department” means an academic division in a faculty or school defined for purposes of teaching, examinations and administration;

“diploma” means the level of qualification below a degree and above a certificate;

“diversity statement” means a commitment statement of a University or institution with respect to students and staff and to the University community, particularly those who have been traditionally marginalised or risk marginalization;

“distance learning” means the mode of delivering education remotely through use of print, audio-visual, electronic or other technical media;

“dual degree” means an arrangement under which a university collaborates with another university where students undertake studies in two different fields in order to earn two separate degrees, one from each collaborating institution;

“double or multiple degrees” means an arrangement where two or more awarding universities or institutions collectively offer a jointly delivered programme leading to separate degree awards and separate certification being awarded by each partner university or institution;

“faculty or school” means an academic division so designated or established under the instruments constituting a University;

“foreign university” means a University established outside Kenya;

“Funding Board” means the Universities Funding Board established under section 53 of the Act;

“institution” means a public or private institution or facility used or to be used wholly or partly, for the conduct of university education and research;

“joint degree” means an arrangement where a university works in collaboration with one or more partner universities to jointly develop

and deliver an academic programme leading to a single degree award from all participating institutions;

“learning environment” means the physical and virtual space, social and cultural context within which university education is offered;

“Letter of Interim Authority” means a form of accreditation status granted to a University in accordance with the Act;

“library facility” means a purpose-built functional library;

“merger” means an amalgamation of two or more universities or institutions to form a single entity;

“Open University” means the Open University established under the Act;

“openness” means access to university education without barriers;

“private University” means a University which is not established or maintained out of public funds;

“professional programme” means an academic programme that leads to an occupation governed by a statutory regulatory body;

“programme accreditation” means the process by which the Commission formally recognizes an academic programme of a University including foreign University;

“programme of study” means the prescribed syllabus that students must be taught at each level of study;

“public University” means a University established and maintained out of public funds;

“qualification” means any degree, diploma or certificate issued as evidence of successful completion of a university education programme;

“quality audit” means the process of quality assessment by which the Commission ensures that the institutional and programme quality assurance procedures of the university/institution are adequate and are actually being carried out;

“quality assurance” means the employment by a university of various measures and mechanisms developed by the Commission to assess, maintain and enhance standards of programmes offered by a university;

“recognition” means the formal acknowledgement by the Commission of the appropriateness of a foreign qualification;

“Senate” means the Senate of a University established under the Act;

“sponsor” means any person including the government proposing the establishment of a university and committed to its development, implementation, construction, maintenance, management and financing;

“Specialized Degree Awarding Institution” means an institution established under section 24 of the Act which includes specialized degree awarding or research institutions and open university;

“stakeholder” means a person, group of persons involved in an education, training and research institution and with vested interests for the benefit of such an institution;

“standard” means a level of attainment against which different aspects of an institution and academic programme are compared or evaluated for quality by the Commission;

“standards and guidelines” means the Universities standards and guidelines established under regulation 100;

“Statutes” means the statutes of a university made by a University Council;

“student” means a person registered in a University or an institution offering University education;

“Technical University” means a University, established in accordance with section 25 of the Act;

“technical inspection” means the inspection undertaken as a process for accreditation;

“twinning programme” means an arrangement where two awarding universities or institutions allow students to complete a portion of their course in their home university or institution, and then transfer to the partner university or institution in another country to complete their studies;

“University” means a University established under the Act; and

“University campus” means the smallest unit set up by a University pursuant to its Statutes and established in accordance with section 20 of the Act, and mirrors the main University.

3. (1) These Regulations shall apply to—

Scope.

(a) all universities in Kenya, including—

- (i) private universities;
- (ii) public universities;
- (iii) technical universities;
- (iv) constituent colleges;
- (v) the Open University; or
- (vi) any foreign university intending to offer university education in Kenya;

(b) specialized degree awarding or research institutions established under the Act, with necessary modifications as shall be provided in the instruments establishing or declaring the institutions;

- (c) student recruitment agencies operating in Kenya;
- (d) an agent or agency, university or institution specified in paragraph (1) (a), (b) and (c) operating or intending to operate as, or on behalf of, a university within Kenya;
- (e) a holder of a degree, diploma and certificate conferred or awarded by a foreign university or institution seeking recognition or equation of a qualification from the Commission; and
- (f) an organization or entity seeking recognition and equation of a degree, diploma and certificate conferred or awarded by a foreign university or institution.

(2) Notwithstanding the above provisions, the Commission and the Cabinet Secretary shall provide guidance and directions on all other matters pertaining to University education.

PART II-ESTABLISHMENT OF A UNIVERSITY

4. (1) A person or entity seeking to establish a University shall apply to the Commission in accordance with these Regulations.

Eligibility and application procedure.

(2) The following shall be eligible to apply to the Commission for authority to establish a university or, as the case may be, to constitute itself into a university—

- (a) a person or entity who intends to be or is a sponsor of a university; or
- (b) a body corporate or institution having as one of its objects the provision of university education.

(3) A person or institution eligible to apply for authority to establish or constitute itself into a university under this regulation shall submit an application in a format prescribed by the Commission, duly completed and certified by the applicant, or on the applicant's behalf by a person competent to do so.

(4) Where an application remains pending for a period of one year, due to failure by the applicant to adhere to the recommendations by the Commission, the application shall lapse.

(5) Any person or institution eligible to apply to the Commission to establish or constitute itself into a university under these Regulations shall pay the prescribed fees.

5. (1) An application under regulation 4(3) shall be accompanied by a proposal setting out—

Proposal particulars and resources.

- (a) the vision, mission, diversity statement, philosophy and justification of the university;
- (b) the institutional ability and expertise of the sponsor for offering higher education;
- (c) the resources, including land, physical facilities, finances, staff, library services, teaching and research infrastructure, plant and equipment;

- (d) an evaluation of the appropriateness and adequacy of the resources in paragraph (1)(c) to support the proposed academic programmes to be conducted at the University, which have been or can be procured, and the manner in which these resources shall be maintained on a long-term basis;
 - (e) the proposed name, location and academic character of the university;
 - (f) functions, aims, objectives, strategies and domain of the university, which should be consistent with the needs of university education in Kenya for which the university is to be established;
 - (g) the form of governance through which the academic and administrative affairs of the university are to be conducted;
 - (h) an outline of the academic programmes intended to be offered at the university;
 - (i) a timetable indicating the steps to be taken in the next four years towards the realization of the aims and objects for which the university is to be established;
 - (j) proof of land ownership on which the university shall be located, and evidence that the subject land is not less than fifty acres to cater for the seat of the university, academic programmes, co-curricular activities, facilities for staff and student welfare;
 - (k) academic resources for each academic programme;
 - (l) a financial management strategy and policy;
 - (m) a student management system;
 - (n) a safety and security system; and
 - (o) any further information as may be required by the Commission.
- (2) The proposal shall have the following appendices—
- (a) a draft Charter in the prescribed format and in the manner specified in section 13(3) of the Act;
 - (b) curricula for the proposed academic programmes designed in accordance with the prescribed standards and guidelines;
 - (c) a registered Trust Deed or any constitutive document for the university in case of a private university;
 - (d) a description of the university library;
 - (e) evidence of physical resources which includes, copies of title deeds, certificate of change of user, completion certificates, borehole log, tests of water and architectural drawings;

- (f) a master plan, business continuity plan, strategic plan and a five-year financial plan which shall include a statement of availability and sources of funding;
- (g) the regulations governing student conduct;
- (h) the student handbook;
- (i) the certificates by statutory or relevant certification bodies;
- (j) a synopsis of the applicant's academic resources in place;
- (k) a computation of financial viability and ratios;
- (l) regulations governing the terms and conditions of service for staff; and
- (m) any other document that may be required by the Commission.

(3) Notwithstanding the provisions of paragraph (2) and where applicable, an application for establishment of a university offering programmes through Open, Distance and Electronic Learning, the proposal shall provide evidence of dedicated academic resources and institutional framework for Open, Distance and Electronic Learning as specified in the prescribed standards and guidelines;

(4) All correspondence, communication, transactions and engagements under this regulation shall clearly indicate the word "Proposed" before the name of the university.

(5) The Commission shall not process any application unless all the requirements under paragraphs (1), (2) and (3) where applicable are complied with.

6. (1) Upon review of an application, the Commission shall schedule a meeting with the applicant to review the submitted documentation and evidence in respect of the resources indicated.

Issuance of Letter
of Interim
Authority.

(2) The Commission shall then conduct an inspection to evaluate the available resources.

(3) For purposes of paragraph (2), the Commission shall set up an inspection committee that shall consist of—

- (a) at least one academician of senior lecturer grade and above, who must be conversant with University management;
- (b) a university librarian;
- (c) a registered architect;
- (d) the relevant officers of the Commission; and
- (e) any other expert or a professional that the Commission may determine to be necessary.

(4) The inspection committee shall prepare a report and submit it to the Commission.

(5) Where after deliberation on the merits of each application the Commission is satisfied that—

- (a) the particulars given under regulation 5 do not in any way reproduce or otherwise duplicate those of an existing or prospective University;
- (b) the resources declared under regulation 5 are available, adequate and appropriate to support the proposed programmes and student enrolment;
- (c) the applicant is following realistic plans to achieve the aims and objects for which the University is to be established;
- (d) the University, when established, will attain and maintain on a long-term basis standards prescribed by the Commission;
- (e) the proposed university has established governance organs in accordance with the Act; and
- (f) the establishment of the University is in the interest of university education in Kenya,

the Commission shall recommend to the Cabinet Secretary the grant of a Letter of Interim Authority to operate in the manner specified in the Act.

(6) The Letter of Interim Authority shall confer the powers, rights and privileges as set out in section 15 of the Act.

(7) All costs under this regulation shall be borne by the applicant.

7. (1) The Commission shall with or without notice once every year inspect all Universities holding a Letter of Interim Authority to—

- (a) confirm the extent to which the University is complying with the legal provisions and adhering to the prescribed guidelines;
- (b) assess the extent to which the University can continue admitting students; and
- (c) confirm the extent to which the University is making progress towards the award of the Charter.

(2) The inspection referred to in paragraph (1) shall be conducted by an inspection committee constituted in accordance with regulation 6 (3).

(3) The inspection committee shall compile an inspection report and submit it to the Commission.

(4) Where the Commission arrives at a decision that a university has not complied with or conformed to the relevant legal provisions, the Commission shall issue a notice to the University in accordance with section 69A of the Act.

(5) Where the University fails to comply within the notice period under paragraph (4), the procedure for revocation of the Charter and winding up of a University under the Act and these Regulations shall apply.

Inspection of universities operating under Letter of Interim Authority.

- (6) For purposes of paragraph (5), the issues shall include—
- (a) establishing unauthorized campuses, colleges or Open and Distance Electronic Learning Centres;
 - (b) inadequate academic resources to support academic programmes on offer and student enrolment;
 - (c) violation of the governance provisions set out in the Act and these Regulations;
 - (d) mounting of academic programmes without prior approval of the Commission;
 - (e) exceeding authorized enrolment capacity per programme;
 - (f) financial instability for three consecutive years;
 - (g) refusal to abide by the directions of the Commission; and
 - (h) any other violation determined by the Commission to be grave and which has been communicated to the University in writing.

8. (1) The Cabinet Secretary may, on recommendation of the Commission following a technical inspection and by notice published in the *Gazette*, revoke a Letter of Interim Authority, if—

Revocation of a Letter of Interim Authority.

- (a) the University has not within four years of issuance or extension of the Letter of Interim Authority, made substantial progress in respect of the matters set out in these Regulations;
- (b) the University notifies the Commission of its intention not to proceed towards award of Charter;
- (c) the University is incapable of complying with the prescribed standards;
- (d) in the opinion of the Commission, fundamental changes have occurred since the issuance of the Letter of Interim Authority that had such changes been in existence at the time of its deliberations under paragraph (5), the Letter of Interim Authority would not have been issued;
- (e) at any time before the lapse of four years it becomes apparent that the University is not making any progress or is not likely to make any progress towards award of Charter; or
- (f) its continued existence does not promote the objectives of university education.

(2) Without prejudice to the foregoing, the Commission shall accord the University fair administrative action.

(3) Prior to recommending revocation of a Letter of Interim Authority, the Commission shall conduct an inspection, during which it will take inventory in the prescribed format which shall include—

- (a) the enrolment and student data;

- (b) the data on graduates;
- (c) the data on staff;
- (d) the terms and conditions for staff;
- (e) the University's assets and liabilities; and
- (f) any other information deemed necessary by the Commission.

(4) Upon revocation of a Letter of Interim Authority, the Cabinet Secretary may, in consultation with the Commission and the Sponsor, appoint such person or persons as the Cabinet Secretary may deem appropriate to administer and manage the institution for the better protection of the interests of the students and staff of the University.

(5) The persons appointed under paragraph (4) shall submit to the Commission a status report which shall include—

- (a) an inventory of the University's assets being handed over to the person or persons appointed under paragraph (4);
- (b) the enrolment and student records and data;
- (c) inventory of the graduates;
- (d) commitment on fulfillment of obligations relating to staff contracts; and
- (e) any other information deemed to be necessary by the Commission.

(6) Notwithstanding the provisions of paragraph (1), the revocation of a Letter of Interim Authority shall not affect the validity of any academic award made by the University before the revocation.

(7) Upon revocation of the Letter of Interim Authority, the provisions of regulation 16 on winding up shall apply.

(8) Without prejudice to the foregoing, if a fresh application is made by the applicant after revocation of a Letter of Interim Authority, such an application shall be processed as a new application as provided for in regulation 5.

9. (1) A University operating under a Letter of Interim Authority shall make an application for award of Charter at least eight months before the expiry of the Letter of Interim Authority.

Application for
award of Charter.

(2) A Constituent College established under a Legal Order shall make a formal application for award of Charter at least eight months before the end of four years of its existence.

(3) Upon receipt of the application for award of Charter, the Commission shall constitute an Inspection Committee as specified in regulation 6(3) which shall carry out a final inspection of the University.

(4) The Inspection Committee shall prepare and compile an inspection report and submit to the Commission.

10. (1) The Commission shall recommend to the Cabinet Secretary that the University be awarded a Charter where satisfied that—

Accreditation process for award of Charter.

(a) the draft Charter as submitted or as amended where necessary forms a sound basis for the academic and administrative organization of the University; and

(b) the University has effectively organized adequate library facility and information services, human, physical, financial and other resources in accordance with the prescribed guidelines,

(2) Where the Commission is not satisfied in the manner indicated in paragraph (1), it shall recommend to the Cabinet Secretary an extension or revocation of the Letter of Interim Authority as provided for in the Act.

(3) Where the Commission is not satisfied in the manner indicated in paragraph (1), in the case of a Constituent College, it shall recommend to the Cabinet Secretary an extension for a final period of four years or revocation of the Legal Order and conversion to a campus, college or institute of the mentoring university.

11. (1) Where the Commission has made a recommendation for award of Charter with respect to an institution, the Commission shall compile an accreditation report detailing the following—

Accreditation report.

(a) the historical background, vision, mission, core values, diversity statement, and philosophy of the University;

(b) the accreditation process, including the various inspections and the findings of the Commission;

(c) the implementation of the Master Plan and the Strategic Plan for continued growth of the institution;

(d) the academic resources available for the support of academic programmes at the time of the final inspection;

(e) the academic programmes which the University had been allowed by the Commission to mount and have registered ongoing students by the time of the final inspection;

(f) the financial resources available at the institution including financial plans and projections;

(g) the library facility and information services;

(h) the research and innovation output;

(i) a summary of recommendations to the institution; and

(j) the final recommendation to the Cabinet Secretary.

12. (1) The Commission shall, where satisfied, submit the draft Charter and the accreditation report to the Cabinet Secretary, together with its written recommendation, for consideration for the award of Charter.

Grant of Charter.

(2) The Cabinet Secretary shall, where satisfied, recommend to the President the award of Charter in accordance with the Act.

13. A University authorized to operate in Kenya, shall—

- (a) establish its organs of governance and management as prescribed in the Act and these Regulations;
- (b) articulate the roles of the various organs and their inter-relationships as set out in the First Schedule;
- (c) take into account the national values and principles of governance set out under Article 10 of the Constitution in constituting the governance organs;
- (d) ensure that there is clear separation of powers between the organs, and in particular no one person shall head two organs whose relationship is oversight in nature;
- (e) ensure the membership of the sponsor does not constitute more than a third of the Board of Trustees; and
- (f) put in place mechanisms to ensure that the capacity of the members of each governing organ is enhanced, through relevant training, including aspects of governance.

Governance and management of a University.

14. (1) A University shall develop a financial policy and procedure in line with the vision, mission and strategic objectives to provide a framework within which the financial affairs of the University shall be managed.

Financial provisions for Universities.

(2) A University shall utilize its funds in line with the objectives of university education.

(3) A University shall comply with all statutory provisions.

(4) A University shall submit to the Commission a copy of its audited accounts reports annually.

15. (1) A Charter granted as evidence of accreditation to any University may be varied or revoked in the manner specified in accordance with the Act.

Variation or revocation of Charter.

(2) The Cabinet Secretary may, on recommendation of the Commission following a technical inspection and by notice published in the *Gazette*, revoke the Charter.

(3) Upon revocation of Charter, the provisions of winding up as provided under regulation 16 shall apply.

16. (1) A University, institution or constituent college shall be wound up upon revocation of the Charter, the Letter of Interim Authority, or Legal Notice as applicable.

Winding up of a University, institution or constituent college.

(2) Upon revocation of Charter, Letter of Interim Authority, or Legal Notice, the Cabinet Secretary shall—

- (a) convene a meeting of the Commission and the Sponsor for a private University or institution or with the Commission for public University within three days which shall—
 - (i) consider the inspection report under regulation 8; and

- (ii) consider the status report submitted by the University under regulation 8(5);
- (b) take custody of the instruments of authority and accreditation;
- (c) put in place security measures to preserve the assets of the University;
- (d) appoint appropriate persons to administer and manage the winding up process, who shall—
 - (i) in accordance with the prescribed standards and guidelines and relevant laws, commence the winding up process;
 - (ii) for the better protection of the interests of the students of the University, within one year, develop and facilitate the transfer plan for continuing students in accordance with the provisions of the Act;
 - (iii) cause to be published in at least two newspapers of national circulation and the University's website a notice requiring students, graduates, and staff who may have any claim, interest, entitlement, on the wound-up University to raise them within one year; and
 - (iv) upon the expiry of one year, submit a final report to the Commission highlighting the issues contemplated in regulation 8(6); and
- (e) require the agency responsible for student placement to transfer students to other universities offering the programmes for which the students were admitted with the available Credit Accumulation Transfer Systems.

(3) Where a University has been wound up, the Commission shall keep the records and information of the University submitted to it at the point of winding up.

17. (1) A University which intends to change its name may submit a proposal to the Commission for consideration and approval in accordance with the Act, these Regulations and the prescribed standards and guidelines.

Change of name
of a University.

(2) In considering the application under paragraph (1), the Commission shall ensure that the proposed change—

- (a) safeguards the objects and purpose of the University;
- (b) protects the interest of the students and staff;
- (c) provides for the transition of obligations, rights and privileges;
- (d) does not adversely affect the governance of the university;
- (e) is accompanied by a statement of the consultations undertaken with stakeholders including students before the proposed change of name was made; and

(f) complies with the Constitution, the Act, other relevant laws and other statutory requirements.

(3) Where the Commission approves the proposed change it shall, forward the recommendation to the Cabinet Secretary for *Gazettement*.

(4) Where the Commission rejects the proposed change of name, it shall communicate its decision and the reasons thereof.

18. (1) A Sponsor of a University who intends to have the University enter into a merger or an acquisition shall submit a formal application in the prescribed format to the Commission.

Mergers and acquisitions.

(2) An application under paragraph (1) shall be accompanied by—

- (a) a status report in a prescribed format of the institutions involved; and
- (b) the merger or acquisition proposal.

(3) In considering the application under paragraph (1), the Commission shall have regard to—

- (a) the students' welfare;
- (b) the staff welfare;
- (c) the assets and liabilities of the institutions; and
- (d) any other information the Commission may deem necessary.

(4) Upon receipt of the application under paragraph (1) from the Sponsor, the Commission shall constitute an inspection committee as specified in regulation 6(3) which shall carry out an inspection of the institutions.

(5) The inspection committee shall prepare and compile an inspection report and submit to the Commission.

(6) The Commission shall consider the inspection report and where satisfied, recommend to the Cabinet Secretary who shall upon being satisfied recommend to the President for approval of the merger or acquisition.

(7) If not satisfied, the Commission shall reject the proposal and communicate its decision and the reasons thereof.

(8) Where the President approves the proposed merger or acquisition the same shall be published by notice in the *Gazette* by the Cabinet Secretary.

(9) The merger or acquisition shall conform to the Constitution, the Act, other relevant laws and other statutory requirements.

(10) An application for a merger or acquisition shall be accompanied by the prescribed fees.

(11) In the case of a merger, the accreditation instrument of the institutions involved, shall be revoked and recalled by the Commission and a new instrument shall be granted.

(12) In the case of an acquisition the accreditation instrument of the institutions may be varied.

19. (1) A Sponsor of a University who intends to change the sponsorship of the University shall apply to the Commission.

Change of
sponsorship of a
University.

(2) The Sponsor shall ensure that the change referred to in paragraph (1)—

- (a) safeguards the objects and purpose of the University as established under regulation 5;
- (b) protects the welfare of the students;
- (c) protects the interests of the members of staff;
- (d) ensures separation of powers of the various organs of the University;
- (e) does not adversely affect the objectives of university education as provided for in the Act; and
- (f) complies with the Constitution, the Act, other relevant laws and other statutory requirements.

(3) An application under paragraph (1) shall be accompanied by—

- (a) the status report of the institution summarizing the various facets of University including student enrolment, staffing, academic programmes, facilities and finances;
- (b) the profile of the new sponsor, highlighting the background, proven relevant experience in provision of higher education and any other institutions or businesses associated with the sponsor;
- (c) the measures to be put in place to ensure the welfare of students and staff of the University;
- (d) any anticipated changes in governance and management of the university;
- (e) the assets and liabilities of the University; and
- (f) a draft Trust Deed amended as contemplated with the change of sponsor;

(4) The Commission shall consider the application and where satisfied that the new sponsor complies with the prescribed provisions on—

- (a) promoting the objectives of university education in Kenya;
- (b) promoting the objects and purpose for which the university was established;
- (c) the welfare of students;
- (d) the interest of staff;

- (e) governance and management of the University; and
- (f) management of assets and liabilities of the University; the Commission may approve the change of sponsor.

(5) The change of sponsor shall be communicated to the Cabinet Secretary, who shall cause a notice of variation of the Charter and publish in the Gazette, and the variation shall come into effect on such date as may be specified in the notice

(6) Where the proposed sponsor has not met the requirements under paragraph (4), the Commission shall decline the application for change of sponsor.

(7) A sponsor may re-submit a request for change of sponsor for consideration after addressing any issues raised by the Commission.

20. (1) A sponsor of a private University intending to withdraw sponsorship shall apply to the Commission.

Withdrawal of a sponsor of a private University.

(2) An application under paragraph (1), shall be accompanied by—

- (a) the status report of the University, detailing the various facets of the University including students' enrolment and data, staffing, academic programmes, facilities and finances;
- (b) the measures put in place to ensure the welfare of students and staff of the University during the teach out period; and
- (c) the assets and liabilities of the University.

(3) Upon receipt of the application under paragraph (1), the Commission shall convene a meeting or a series of meetings with the Sponsor with a view of authenticating the request for withdrawal of the sponsorship.

(4) Prior to making a decision on the intention to withdraw sponsorship, the Commission shall conduct an inspection and document an inventory of—

- (a) the enrolment and student data;
- (b) the data on graduates;
- (c) the data on staff;
- (d) the terms and conditions of staff;
- (e) the University's assets and liabilities; and
- (f) any other information deemed necessary by the Commission.

(5) The Commission shall consider the inspection report and recommend to the Cabinet Secretary the appointment of the appropriate persons to administer and manage the winding up process of the University and who shall—

- (a) apply the prescribed standards and guidelines on winding up;
- (b) for the better protection of the interests of the students of the University, in collaboration with the agency responsible for placement of students in universities and relevant academic organs of universities, facilitate the transfer of students;
- (c) cause to be published in at least two newspapers of national circulation, the University's website, Commission's website and the website of the Ministry responsible for university education, a notice requiring any person who may have any claim, interest, entitlement, on the University that is being wound up, to raise them within one year from a date to be specified in the notice; and
- (d) submit a status report to the Cabinet Secretary and the Commission,
for revocation of Charter or Letter of Interim Authority as provided under regulations 8, 15 and 16;

(6) Where a University has been wound up, the Commission shall keep in safe custody the records and information about the University submitted to it at the point of winding up.

21. (1) A foreign University which intends to operate in Kenya shall apply for accreditation, in the manner specified in Part III of the Act and Part II of these Regulations.

Accreditation of foreign universities.

(2) In addition to meeting the criteria set out in paragraph (1), a foreign University operating in Kenya shall ensure that not less than one-third of the representation in the Board of Trustees are Kenyan citizens, residing in Kenya.

22. (1) Every University accredited to operate in Kenya shall establish quality assurance policy, systems and mechanisms.

Institutionalization of quality assurance.

(2) For purposes of paragraph (1), each University shall—

- (a) develop and implement an internal quality assurance policy;
- (b) establish a functional internal quality assurance structure in all its campuses and colleges;
- (c) provide adequate physical and financial resources;
- (d) appoint qualified and adequate staff in the quality assurance unit; and
- (e) develop tools for internal quality assurance.

(3) Every University shall submit to the Commission detailed annual progress report, in a prescribed format, on activities undertaken to maintain and enhance quality in teaching, research, industry linkage, innovation and community outreach.

23. (1) Every University shall prepare a detailed self-assessment report and submit to the Commission, in a prescribed format, every five years on the steps it has taken towards the achievement of the aims and objectives for which it was established. Institutional quality audit.

(2) The Commission shall consider the report submitted pursuant to paragraph (1) and make such recommendation or give such other instructions for action by the University.

(3) The Commission shall undertake a regular institutional quality audit of the University on—

- (a) the steps it has undertaken towards the achievement of the aims and objectives for which it was established; and
- (b) compliance with and conformity to the relevant legal provisions.

(4) The quality audit under paragraph (3) shall be undertaken by an institutional quality audit panel which shall consist of—

- (a) at least two academicians of senior lecturer grade and above;
- (b) one person who has experience in University management;
- (c) a University librarian;
- (d) a registered architect;
- (e) the relevant officers of the Commission; and
- (f) any other expert or professional that the Commission may determine to be necessary.

(5) Pursuant to paragraphs (3) and (4), and if satisfied that the University has continued to maintain standards, the Commission shall issue a certificate of audit that shall serve as a seal of quality maintenance and enhancement.

(6) Where the Commission arrives at a decision that a university has not complied with or conformed to the relevant legal provisions, the Commission shall issue a notice to the University in accordance with section 69A of the Act.

(7) The notice issued under paragraph (6) shall specify the violations to be complied with not later than six months from the date of issue of the notice.

(8) The University shall submit to the Commission the steps to be taken under paragraph (6) within prescribed timelines.

(9) For purposes of paragraph (8), violations shall include—

- (a) establishing unauthorized campuses, colleges or Open, Distance and E-Learning Centres;
- (b) inadequate academic staff or other academic resources for the support of academic programmes on offer and student enrollment;

- (c) offering an academic programme in an unaccredited site;
- (d) varying the title of an approved academic programme;
- (e) offering a programme in unaccredited mode of delivery;
- (f) exceeding the approved enrollment capacity per programme;
- (g) violation of the governance provisions set out in the Act;
- (h) mounting of academic programmes without the approval of the Commission;
- (i) financial instability for three consecutive years;
- (j) refusal to abide by the directions of the Commission; and
- (k) any other violation determined by the Commission to be grave and communicated in writing to the institution.

(10) During the pendency of the notice, the university shall not admit students in any of its programmes.

(11) Where the University fails to comply within the notice period under paragraph (6), the procedure for revocation of the Charter and winding up of a University under the Act and these Regulations shall apply.

24. (1) The Commission may, with or without notice, carry out an audit, inspection or investigation on any institution as and when it is deemed necessary under these Regulations.

Impromptu quality audit, inspection or investigation.

(2) The Commission shall constitute a quality audit, inspection or investigation panel whose composition shall be determined depending on the objective of the audit, inspection or investigation.

(3) The audit, inspection or investigation panel referred to in paragraph (2) shall prepare and compile a report in a prescribed format and submit to the Commission.

(4) The Commission may issue a notice to the University setting out the issues that the University shall need to comply with arising from the audit, inspection or investigation and the University shall comply within the prescribed timelines.

(5) Where the University fails to comply within the notice period under paragraph (4), the procedure for revocation of the Charter, Letter of Interim Authority or Legal Order and winding up of a University under the Act and these Regulations shall come to effect.

25. (1) A University shall promote research in its academic programmes as prescribed in the standards and guidelines.

Promotion of quality teaching, research, industry linkages, innovation and community outreach.

(2) A University shall put in place appropriate policies, infrastructure, institutional framework and other resources necessary for promoting quality teaching, research, innovation, industry linkages and community outreach.

(3) A University shall adhere to the Constitution, the Act and other relevant laws, in developing and implementing mechanisms for research outputs.

26. (1) Universities shall submit accurate and updated data or information to the Commission in a prescribed format, as and when required. University data and information.

(2) Submitting falsified data or Information or misleading information to the Commission shall be an offence liable to penalties as prescribed in the Act.

27. Universities shall establish, implement and maintain Information and Communication Technology systems relating to their core functions as may be prescribed by the Commission from time to time. University information system.

PART III-ESTABLISHMENT OF A TECHNICAL UNIVERSITY

28. Any person intending to establish a technical University shall apply to the Commission in a prescribed format. Eligibility.

29. (1) Any institution that is to be declared a technical University shall satisfy the following criteria— Conditions for declaration.

- (a) be offering programmes in applied sciences that lead to application and practice of technical knowledge;
- (b) have appropriate technologies that are current or scalable;
- (c) show evidence of institution-industry linkages;
- (d) show evidence of requisite staff and other academic resources to support the technical programmes; and
- (e) be predominantly technical oriented.

(2) In the case of declaration in respect of a public institution, the provisions section 25(2) of the Act shall apply.

30. (1) An institution shall submit an application for accreditation to the Commission in the prescribed format. Procedure for application.

(2) An application for accreditation shall be accompanied with the following—

- (a) a draft Charter containing the particulars required to be provided by the University under section 13 of the Act; and
- (b) a self-evaluation report outlining the following—
 - (i) the philosophy and technical orientation of the institution;
 - (ii) a list and academic staff on, or expected to be on full-time employment with the institution and their qualifications;
 - (iii) the library facility and information services;
 - (iv) academic resources available for each programme expected to be offered at the institution;
 - (v) the financial resources that are available for the exclusive use of the institution, certified by a person qualified to practice under the Accountants Act, 2008;

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- (vi) an inventory of the physical facilities including land that are available for the exclusive use by the institution;
- (vii) student enrolment and student support services;
- (viii) development plans;
- (ix) research orientation and outputs;
- (x) a list of current or proposed academic programmes; and
- (xi) any other detail the Commission may specify.

31. (1) The Commission shall, before considering an application under regulation 30, appoint an inspection committee with the power to—

Inspection of a proposed technical Universities.

- (a) make enquiry into and for the purposes of ascertaining the veracity or otherwise of the particulars submitted under regulation 30(2);
- (b) make enquiry into the general academic, research, administrative, innovation, industry linkage, community outreach and social affairs of the institution and in particular confirm compliance to the criteria set out in regulation 25; and
- (c) make such other enquiry of relevance to the application as it may deem necessary.

(2) The Committee appointed under paragraph (1), shall consist of—

- (a) a Professor or associate Professor specialized in a technical discipline, who shall have experience in University management;
- (b) at least one academician of senior lecturer grade and above, in a technical discipline;
- (c) a University librarian;
- (d) a registered architect;
- (e) the relevant officers of the Commission; and
- (f) any other expert or professional that the Commission may determine to be necessary.

(3) The inspection committee shall submit a technical inspection report to the Commission.

32. (1) Upon receipt of the technical inspection report, the Commission shall deliberate on the merits of each application.

Consideration of technical inspection report.

(2) Where the Commission is satisfied that—

- (a) the draft Charter submitted forms a sound basis for the academic and administrative organization of the University;

- (b) the institution has effectively organized appropriate and adequate human, physical, financial and other resources into educational programmes;
- (c) the institution has a specific and unique mandate in teaching or research, in a technical area, as provided in the draft Charter;
- (d) the mandate in teaching or research is critical to national development or security; and
- (e) the institution satisfies the criteria set out in regulation 29,

the Commission shall compile an accreditation report, as provided for in regulation 11, and recommend to the Cabinet Secretary that the institution be considered for declaration as a technical University in accordance with paragraph (2).

(3) Where the Commission is not satisfied in the manner indicated in paragraph (2), it shall not recommend declaration of the institution as a Technical University.

(4) An applicant whose application is declined may re-apply to the Commission for consideration.

33. (1) On receiving recommendation from the Commission for the declaration of a Technical University, the Cabinet Secretary, if satisfied, shall submit the same to the President.

Declaration of a technical University.

(2) The President, if satisfied, may declare the institution to be a Technical University in accordance with the provisions of section 25 of the Act by award of Charter.

34. The Commission shall audit a technical University in accordance with the quality audit procedures in accordance with the provisions of regulations 23 and 24.

Quality audit of a technical University.

35. (1) Any institution declared a technical University shall have—

Privileges of a technical University.

- (a) all the privileges of an accredited University as specified in section 20 of the Act; and
- (b) enhanced public funding as the Cabinet Secretary may determine.

PART IV-ESTABLISHMENT OF SPECIALISED DEGREE AWARDING INSTITUTIONS

36. Unless otherwise specified, these Regulations shall apply to specialized degree awarding institutions as they apply to all other universities, with necessary modifications as shall be provided in the instruments establishing or declaring the institutions.

General provision.

37. (1) A person who intends to establish a specialized degree awarding institution shall submit an application to the Commission in the prescribed format.

Eligibility and application.

(2) The application under paragraph (1), shall be accompanied by—

- (a) a Cabinet Resolution declaring the mandate of the proposed institution to be of strategic national importance and should be established as such; and
- (b) a proposal in a prescribed format setting out—
- (i) the specialized area of focus;
 - (ii) a draft Charter in the manner specified in section 24 of the Act;
 - (iii) curricula for the proposed academic programmes in accordance with the identified area of focus;
 - (iv) a registered Trust Deed for the University in case of a Private University;
 - (v) a description of the University library and information resources;
 - (vi) evidence of physical resources which includes, copies of title deeds, certificate of change of user, completion certificates, borehole log, tests of water, and architectural drawings;
 - (vii) the master plan, a strategic plan and a five-year financial plan which shall include a statement of availability of capital;
 - (viii) the terms and conditions of staff;
 - (ix) the regulations governing student conduct;
 - (x) the student handbook;
 - (xi) certificates by statutory or relevant certification bodies;
 - (xii) a synopsis of the applicant's academic resources in place;
 - (xiii) the financial management policy;
 - (xiv) a student management system; and
 - (xv) any other document that may be required by the Commission.
- (3) The requirements under this regulation shall apply with necessary modifications as per the provisions of section 24 of the Act.

38. (1) An institution shall be established as a specialized degree awarding or research institution if it—

- (a) is of strategic national importance as declared by the Cabinet;
- (b) offers or intends to offer academic programmes considered to be of national strategic importance;
- (c) has adequate and appropriate facilities for training at university education level in the specialized area of focus;
- (d) demonstrates capacity for linkages with universities or industry in the specialized area of focus;

Criteria for establishing specialized degree awarding or research institutions.

- (e) has adequate qualified staff in disciplines relevant to the specialized area of focus; and
- (f) offers or intends to offer academic programmes limited to the specialized area of focus.

39. (1) Upon review of an application, the Commission shall schedule a meeting or a series of meetings with the applicant to review the submitted documentation and evidence in respect of the resources indicated therein.

Accreditation process.

(2) The Commission shall then conduct an inspection to evaluate the available resources.

(3) For purposes of paragraph (2), the Commission shall set up an inspection committee consisting of —

- (a) at least two academicians of senior lecturer grade and above or experts of equivalent experience in disciplines relevant to the specialized area of focus;
- (b) a University librarian;
- (c) a registered architect;
- (d) relevant officers of the Commission; and
- (e) any other expert or professional that the Commission may determine to be necessary.

(4) The Inspection Committee shall prepare and submit to the Commission an inspection report.

40. (1) Where after a full deliberation on the merits of the application the Commission is satisfied that—

Consideration of the inspection report.

- (a) the particulars given under regulation 37 are likely to establish a specialized degree awarding or research institution as contemplated in the Act;
 - (b) the resources declared under regulation 37 are available;
 - (c) the applicant is following realistic plans to offer academic programmes in the specialized area of focus;
 - (d) the submitted draft Charter forms a sound basis for the academic and administrative organization of the institution to offer academic programmes in the specialized area of focus;
 - (e) the specialized degree awarding or research institution, when established, is likely to attain and maintain on a long-term basis standards set out in the prescribed Standards and Guidelines; and
 - (f) the establishment of the specialized degree awarding or research institution is of strategic national importance,
- the Commission shall compile an accreditation report, as provided for in regulation 11, and recommend to the Cabinet

Secretary the establishment of a Specialized Degree Awarding or research Institution.

(2) Where the Commission is not satisfied in the manner indicated in paragraph (1), it shall decline to recommend award of Charter to the institution as a Specialized Degree Awarding or research institution.

(3) An applicant whose application for award of charter as Specialized Degree Awarding or research institution is declined may re-apply to the Commission for consideration.

41. (1) On receiving a recommendation from the Commission for the establishment of a Specialized Degree Awarding or research Institution, the Cabinet Secretary shall, if satisfied, recommend the establishment of a specialized degree awarding or research institution to the President.

Declaration of a specialized degree awarding or research institution.

(2) The President may, on the recommendation of the Cabinet Secretary, and with the approval of Parliament, award a Charter to establish a Specialized

Degree Awarding or research Institution in accordance with the provisions of section 24 of the Act.

(3) Notwithstanding the provisions of paragraph (2), institutions established in accordance with section 24(3) of the Act shall be exempted from approval of Parliament but shall be approved by the National Security Council.

(4) The award of Charter shall confer the powers, rights and privileges as shall be set out in the Charter.

(5) A specialized degree awarding or research institution shall set up governance organs that may include the Council, the Chancellor, the Vice Chancellor, the Senate, the University Management Board and Student Association or their equivalent for purposes of running the academic programmes under the specialized area of focus.

(6) Notwithstanding the provisions of paragraph (5), the governing organs, for purposes of running the academic programmes, may be imbedded within the governance framework of the institution that intends to establish the academic programmes

(7) A Charter as specified in section 24 of the Act issued under these Regulations shall be published by notice in the *Gazette*.

42. The Commission shall audit a specialized degree awarding or research institution in accordance with the provisions of these Regulations.

Quality audit of a specialized degree awarding or research institution.
Open University.

43. (1) An applicant who intends to establish a national Open University shall apply to the Commission in the prescribed format.

(2) An application under paragraph (1), shall be accompanied by a proposal setting out—

(a) the vision, mission, diversity statement, philosophy and justification of the university;

- (b) the character and the scope of openness of the University;
 - (c) the institutional ability and expertise of the sponsor for offering university education through Open, Distance and E-Learning;
 - (d) the resources, including land, Information and Communication Technology system and infrastructure, physical facilities, finances, staff, library and information services, teaching and research infrastructure, plant and equipment;
 - (e) the institutional framework in place to support Open, Distance and E-Learning;
 - (f) the development of learning materials;
 - (g) an evaluation of the appropriateness and adequacy of the resources to support the proposed academic programmes to be offered by the University, and the manner in which these resources shall be maintained on a long term basis;
 - (h) the proposed name and location of the University;
 - (i) the functions, aims, objectives, strategies and domain of the university, which shall be consistent with the needs of university education in Kenya;
 - (j) the form of governance through which the academic and administrative affairs of the university are to be conducted;
 - (k) an outline of the proposed academic programmes to be offered by the university;
 - (l) a timetable indicating the steps to be taken in the next four years towards the realization of the aims and objects for which the university is to be established;
 - (m) proof of ownership of land on which the seat of the proposed university is located, and evidence of a complement of facilities to cater for the academic programmes, co-curricular activities, staff and student welfare;
 - (n) a financial management strategy and policy;
 - (o) the appropriate assessment and certification system;
 - (p) a student management system;
 - (q) the staff and student support systems;
 - (r) the safety and security systems; and
 - (s) any additional information as may be required by the Commission.
- (3) The application under paragraph (1), shall have the following appendices—
- (a) a Cabinet Resolution declaring the mandate of the proposed national open university to be of strategic national importance and should be established as such;

- (b) a draft Charter;
 - (c) curricula for the proposed academic programmes designed in line with prescribed standards and guidelines;
 - (d) a description of the university library, e-library and information resources;
 - (e) evidence of physical resources which include, copies of title deeds, certificate of change of user, completion certificates, borehole log, tests of water, and architectural drawings;
 - (f) the master plan, strategic plan and a five-year financial plan which shall include a statement of availability of capital;
 - (g) the terms and conditions of service for staff;
 - (h) regulations governing student conduct;
 - (i) the student handbook;
 - (j) certificates by statutory or relevant certification bodies;
 - (k) a synopsis of the applicant's academic resources in place;
 - (l) the financial management policy;
 - (m) evidence of academic resources and Open, Distance and E-Learning as specified in the prescribed standards and guidelines; and
 - (n) any other document that may be required by the Commission;
- (4) Notwithstanding the provisions of regulation 37(2), special exemptions may be provided as and when necessary.

44. An institution shall be established as an Open University if it—

- (a) intends to embrace openness in offering university education;
- (b) offers or intends to offer academic programmes limited to distance and e-learning mode;
- (c) has adequate and appropriate academic resources to support distance and e-learning;
- (d) demonstrates capacity for linkages with universities and industry; and
- (e) has adequate and appropriately qualified staff to support the programmes.

Criteria for establishing an open university.

45. (1) Upon receipt of an application for the establishment of an Open University the Commission shall review the application and schedule a meeting or a series of meetings with the applicant to review the submitted documentation and evidence in respect of the resources indicated under regulation 43(2).

Accreditation process.

(2) The Commission shall then conduct an inspection to evaluate the available resources.

(3) For purposes of paragraph (2), the Commission shall set up an Inspection Committee to include—

- (a) at least two academicians of senior lecturer grade and above or experts of equivalent rank in the proposed disciplines one of whom shall have experience in open and distance learning;
- (b) a university librarian;
- (c) a registered architect;
- (d) relevant officers of the Commission; and
- (e) any other expert or professional that the Commission may determine to be necessary.

(4) The Inspection Committee shall prepare and submit an inspection report to the Commission.

46. (1) Upon consideration of the application, where the Commission is satisfied that—

Consideration of inspection report.

- (a) the particulars given under regulation 43 are likely to establish an Open University as contemplated in the Act;
- (b) the resources declared under regulation 43 are available, adequate and appropriate;
- (c) the applicant will offer programmes through distance and e-learning;
- (d) the conditions and environment provided will ensure openness of the university;
- (e) the submitted draft Charter forms a sound basis for the academic and administrative organization of the institution to offer academic programmes through open, distance and e-learning; and
- (f) the Open University, when established, is likely to attain and maintain on a long-term basis, standards set out in the Universities Standards and Guidelines,

the Commission shall compile an Accreditation Report, as provided for in regulation 11, and recommend to the Cabinet Secretary the establishment of an Open University.

(2) Where the Commission is not satisfied in the manner indicated in paragraph (1), it shall decline to recommend award of Charter to the institution as an Open University.

(3) An applicant whose application for award of Charter as an Open University is declined may re-apply to the Commission for consideration.

47. (1) On receiving a recommendation from the Commission for the establishment of an Open University, the Cabinet Secretary shall, if satisfied, recommend the establishment of the Open University to the President.

Award of Charter.

(2) The President may on the recommendation of the Cabinet Secretary, and with the approval of Parliament, award Charter to

establish an Open University in accordance with the provisions of section 24 of the Act.

(3) The award of Charter shall confer the powers, rights and privileges as shall be set out in the Charter.

(4) An Open University shall set up governance organs which may include the Council, Chancellor, Vice Chancellor, Senate, University Management Board and Student Association or their equivalent for purposes of running the academic programmes through open, distance and e-learning.

(5) A Charter as specified in section 24 of the Act issued under these Regulations shall be published by notice in the *Gazette*.

48. The Commission shall audit an Open University as provided for in these Regulations.

Quality audit of an open university.

PART V-ESTABLISHMENT OF A CONSTITUENT COLLEGE

49. (1) A chartered university which intends to establish a constituent college in Kenya shall apply in writing to the Commission in the prescribed format for accreditation following consultation between the Cabinet Secretary and the Commission.

Eligibility.

(2) The nature of the consultation specified under section 20(3) of the Act, between the Cabinet Secretary and the Commission regarding the establishment of a constituent college shall entail—

- (a) confirmation by the Commission that the application for the establishment of a constituent college has complied with minimum requirements which shall include submission of—
 - (i) a constituent college proposal in a format prescribed by the Commission;
 - (ii) documentary evidence of academic resources available to support programmes at the proposed Constituent College;
 - (iii) list of proposed academic programmes, which shall be accredited programmes of the mentoring university and authorised by the Senate to be offered in the constituent college;
 - (iv) a draft Legal Order for the establishment of the constituent college; and
 - (v) any other information the Commission may require.
- (b) submission by the Commission of a technical report and recommendation upon conducting an inspection to evaluate the available resources in the proposed Constituent College in accordance with the procedures set out in regulation 6 (2)(3) and (4).

50. (1) The Commission, under regulation 49, may or may not recommend the establishment of a Constituent College and shall communicate the recommendation to the Cabinet Secretary.

Consideration for establishment of a constituent college.

(2) The Cabinet Secretary shall, if satisfied, by Order published in the Gazette, establish or declare the institution to be a constituent college of the mentoring University.

51. (1) A constituent college shall—

- (a) be a body corporate with an independent governance structure;
- (b) commence with the number of accredited academic programmes of the mentoring University, constituent with the identified niche for which adequacy of academic resources shall verified by the Commission;
- (c) develop curricula for any subsequent academic programmes for accreditation by the Commission; and
- (d) award qualifications to students through the Senate of the mentoring University.

Operation and tenure.

(2) A constituent college shall be subjected to annual inspection as provided for in these Regulations.

(3) A constituent college may make a formal application for award of Charter.

(4) Notwithstanding the above provisions, a Constituent College shall be expected to comply with the provisions of regulation 22.

52. The provisions of regulation 8 on revocation of a Letter of Interim Authority shall apply *mutatis mutandis* to the revocation of a Legal Order establishing a Constituent College.

Revocation of a Legal Order establishing a constituent college.

PART VI: ESTABLISHMENT OF A UNIVERSITY CAMPUS

53. A chartered university authorized to operate in Kenya, intending to establish a university campus, shall apply to the Commission for authority to establish a university campus, prior to commencement.

Eligibility.

54. (1) An application under regulation 53 shall be accompanied by—

- (a) documentary evidence of the Senate and the Council approval;
- (b) a campus establishment policy;
- (c) a campus profile with documentary evidence in the prescribed format, highlighting—
 - (i) the location and address;
 - (ii) justification for establishment of the campus;
 - (iii) the physical resources, library facility, and equipment available for the exclusive use of the campus;
 - (iv) full time academic and administrative staff dedicated to the campus;

Proposal particulars and resources.

- (v) the proposed quality assurance systems;
 - (vi) student enrolment;
 - (vii) list of accredited academic programmes proposed to be offered at the campus; and
 - (viii) evidence of ownership of land on which the campus shall be situated.
- (d) projection of student enrolment; and
- (e) the financial resources including the financial viability and a five-year financial projection plan.

55. (1) The Commission shall consider an application under regulation 53 and approve the establishment of a campus where—

Authority to operate a campus.

- (a) such an establishment is justified;
- (b) the resources available are adequate to support the proposed programmes and student enrolment and that they meet the requirements of the Universities Standards and Guidelines; and
- (c) adequate measures have been put in place to assure quality.

(2) The Commission shall notify the university of the decision under paragraph (1).

(3) the approval for establishment referred to in paragraph (1) shall either lead to provisional accreditation or full accreditation for three years after which the university shall seek re-accreditation of the campus.

(4) Where provisional accreditation has been given it will be for a specified period.

(5) An accredited campus shall be required to apply for re-certification six months before the expiry of three years of operation from the effective date of accreditation.

(6) Where the Commission rejects an application under paragraph (1), it shall furnish the applicant with reasons for the rejection of the application.

56. (1) A University campus shall—

Operations and tenure.

- (a) be the smallest institutional unit of a University;
- (b) have localized administrative structures clearly linked with the main campus of the University;
- (c) commence with the number of accredited academic programmes of the University for which adequacy of academic resources has been verified by the Commission;
- (d) ensure that the Commission approves the mounting of any additional academic programmes; and
- (e) not relocate from the accredited site unless with prior approval of the Commission.

(2) A University campus shall not share premises with an incompatible business or be situated in unsuitable health and or environmental conditions.

57. (1) A University intending to establish an Open, Distance and E-Learning Centre shall apply for approval to the Commission.

Open, Distance and E-Learning Centre.

(2) The procedure for establishing an Open, Distance and E-Learning centre shall be as provided for in regulations 53, 54 and 55.

(3) An Open, Distance and E-Learning Centre may be within the main campus of a University or at a separate accredited site.

(4) Where the Open and Distance Learning Centre is at a separate accredited site from the main campus, it shall be a coordinating and support facility to bring services closer to students undertaking online and blended courses.

(5) An Open, Distance and E-Learning Centre shall be subject to monitoring procedures of a campus.

PART VII-ACADEMIC PROGRAMMES

58. (1) All Universities, including proposed Universities, and proposed specialized degree awarding institutions shall submit all their new academic programmes to the Commission for accreditation or approval.

Accreditation or approval of academic programmes.

(2) For the purposes of paragraph (1), a University submitting an academic programme for accreditation or approval shall ensure—

- (a) it has institutionalized regular internal review system of its academic programmes; and
- (b) the Vice-Chancellor of the University or the equivalent for the case of specialized degree awarding or research institution has signed a commitment indicating that the applicant—
 - (i) has complied with the prescribed process of curriculum design and development;
 - (ii) has ensured the accuracy and up dated the report on academic resources to support the academic programme; and
 - (iii) shall act on the Commission's evaluation report on the programme within the stipulated timelines.

(3) Academic programmes submitted under paragraph (1) shall be accompanied with—

- (a) a report on the needs assessment of the proposed academic programme;
- (b) signed minutes of the Senate meeting at which the proposed programme was approved;
- (c) a list of existing academic programmes, their student enrolment and available learning facilities; and
- (d) a comprehensive report of academic resources for the support of the proposed academic programme.

(4) The admission criteria and credit transfers for academic programmes shall be as provided for in the prescribed standards and guidelines.

(5) For purposes of paragraph (1), the Commission shall—

- (a) evaluate the proposed academic programmes prior to their launch, by engaging the services of appropriately qualified peer reviewers who shall be from—
 - (i) the Universities, in which case, they shall—
 - (aa) be holders of doctorate degrees in the relevant area;
 - (bb) be in the rank of at least a Senior Lecturer; and
 - (cc) in special cases, be at least a lecturer and holder of a master's degree in the relevant area with more than five years' working experience,
 - (ii) industry and professional bodies, in which case, they shall be—
 - (aa) holders of a master's degree in a relevant field with more than five years' working experience in the field at senior position; and
 - (bb) registered members of professional bodies where applicable,
- (b) appoint a programme evaluation panel of peer reviewers for every academic programme under evaluation;
- (c) constitute the programme evaluation panel appointed in paragraph (2)(b) whose members will individually analyse and consider the curriculum for—
 - (i) cohesiveness, breadth, and depth of the content of the academic programme;
 - (ii) purpose and goals of the academic programme;
 - (iii) adherence to set standards and guidelines for structure of the academic programme;
 - (iv) appropriateness of the modes of delivery of the academic programme;
 - (v) appropriateness of the mode of assessment of the academic programme;
 - (vi) adherence to the academic character, niche and the vision and mission of the University; and
 - (vii) appropriateness and relevance of the academic programme to the job market, industry and development goals,and prepare individual evaluation reports on the curriculum in the prescribed format.

- (d) convene a meeting of peer reviewers in paragraph (2)(b) to consider the individual reports and compile a consolidated evaluation report; and
- (e) constitute a technical inspection team consisting of peer reviewers and relevant officers of the Commission to carry out a site inspection and compile an inspection report on—
 - (i) availability, appropriateness, adequacy, and accessibility of the academic resources for the support of the academic programmes;
 - (ii) appropriateness of the learning environment of the University; and
 - (iii) co-curricular activities offered by the University,

(6) Where, after deliberations on the findings from the reports in paragraph (5)(c) and (e) the Commission is satisfied that the University has appropriately developed a curriculum and put in place adequate and appropriate resources that meet the requirements under these Regulations, the prescribed standards and guidelines, the Commission shall consider the programme for approval and notify to the University.

(7) The accreditation and approval of all academic programmes shall be specific to a given mode of delivery which may include—

- (a) face to face;
- (b) blended learning; or
- (c) online.

(8) Notwithstanding the generality of paragraph (7), the accreditation or approval shall be construed to apply to the specific programme content, learning design, intent, structure, delivery mode, academic resources, and assessment mode submitted in the application for accreditation or approval of the specific academic programme.

(9) A university seeking accreditation or approval of academic programmes under online and blended modes of delivery shall conform to the Universities Standards and Guidelines set for Open, Distance and E-Learning.

(10) The evaluation of a proposed academic programme shall be terminated if—

- (a) the institution fails to address the recommendations of a Commission's evaluation report within the prescribed timelines; or
- (b) the institution submits a plagiarized academic programme beyond the limits as set out in the Universities Standards and Guidelines.

(11) Academic programmes leading to postgraduate qualification shall have curriculum content that enhances research knowledge and practice as provided for in the Universities Standards and Guidelines.

(12) The validity of accreditation or approval of an academic programme shall be six years.

(13) A revised academic programme submitted to the Commission before the expiry of the validity period shall be deemed to be a new programme, thus warranting evaluation, if its core course content is over thirty percent different from the programme in the original curriculum.

(14) For purposes of paragraph (5), the procedure for re-accreditation or re-approval shall be as provided for in the prescribed standards and guidelines.

(15) The evaluation of Diploma and Certificate shall be in line with a criteria set in the Universities Standards and Guidelines.

59. (1) The Commission may consult professional bodies or associations when accrediting professional academic programmes.

(2) The Commission may formulate, develop and implement Standards and Guidelines for engaging professional bodies.

60. (1) A university or a specialized degree awarding institution shall launch an academic programme only with the prior accreditation or approval by the Commission.

(2) Notwithstanding the provisions of paragraph (1), a Constituent College or a campus shall launch academic programme only with prior accreditation or approval by the Commission as provided for in the Universities Standards and Guidelines.

(3) A university shall ensure that all academic programmes meet the requisite instructional hours irrespective of the mode of delivery.

(4) A university shall not exceed the approved enrolment in academic programmes as determined by the Commission guided by the available academic resources.

61. The conditions for credit accumulation and transfer for certificate, diploma and degree programmes shall be as specified in the Universities Standards and Guidelines and applicable policies and criteria.

62. (1) A University has the primary responsibility for internal quality assurance of their academic programmes.

(2) Each University shall establish and operationalize a Curriculum Development Committee to guide its programme development processes.

(3) Each university shall undertake a needs assessment, involving relevant stakeholders, for proposed programmes.

(4) The university shall provide documentary evidence that all academic programmes have gone through the relevant academic organs which shall include—

Engagement of professional bodies in accreditation or approval of academic programmes. Launch of academic programmes by Universities.

Conditions for credit accumulation and transfer.

Quality assurance systems for academic programmes.

- (a) the departmental board;
- (b) the faculty or school board; and
- (c) the Senate.

(5) A university shall review its curricula in accordance with regulation 57(5) and (6).

(6) A university shall have mechanisms to ensure security and integrity of the examination process including security of academic certificates and awards.

(7) Each university shall carry out self-assessment of its programmes for every cohort and submit a self-assessment report to the Commission for purposes of external review in accordance with criteria set out in the prescribed standards and guidelines.

**PART VIII—A FOREIGN UNIVERSITY COLLABORATING WITH
A LOCAL UNIVERSITY OR INSTITUTION AUTHORIZED TO
OPERATE IN KENYA**

63. (1) A foreign University intending to collaborate with a local university or institution authorized to operate in Kenya shall—

Requirements for a foreign University to collaborate.

- (a) apply to the Commission in the prescribed format for grant of authority to collaborate with a local University or institution in Kenya in the provision or offer of its academic programme or programme of instruction leading to the award of a degree, a double degree, a dual or multiple degree, a twinning degree or a joint degree, where applicable;
- (b) only commence the collaborative arrangement upon grant of authority to collaborate by the Commission;
- (c) be accredited and recognized in the country of origin;
- (d) have the academic programme to be offered under collaboration also accredited and on offer in the country of origin; and
- (e) have graduated at least one cohort of students in the country of origin in the academic programme to be offered under collaboration.

64. A local university or institution entering a collaborative arrangement with a foreign university under these Regulations—

Obligations of a local collaborating University or institution.

- (a) shall provide the requisite resources to support the academic programme and where applicable, evidence of approval by the relevant professional body; and
- (b) may collaborate with a maximum of two foreign universities to offer a maximum of two academic programmes under each collaboration.

65. A foreign university entering a collaborative arrangement with a local university or institution under these Regulations shall—

Obligations of a foreign collaborating University.

- (a) collaborate with a local institution to offer a maximum of two degree programmes; and
- (b) collaborate with a maximum of two local universities or institutions.

66. The Academic programmes offered under collaboration between a foreign University and a local University or institution in Kenya shall be—

Academic programmes under collaboration.

- (a) accredited and recognized in the country of origin of the foreign University and the Senate of the local University or institution, where applicable;
- (b) approved by the Senate of the collaborating University or Universities and by the Commission, in the case of a degree, a double degree, a dual or multiple degree, a twinning degree or a joint degree, where applicable; and
- (c) relevant to a specific market niche in Kenya.

67. (1) A foreign University collaborating with a local University or institution shall submit to the Commission a duly signed Memorandum of Understanding between itself and the collaborating local university or institution.

Collaboration agreement.

(2) The Memorandum of Understanding under paragraph (1) shall set out details of—

- (a) the nature of the collaboration;
- (b) the profile of the collaborating foreign university and the local university or institution;
- (c) the degree to be awarded and the name of the awarding university or institution, in the case of collaboration between a foreign university and a local university;
- (d) the rights and obligations of the students and staff in the programme under collaboration;
- (e) the lead institution in the case of joint, multiple, double, dual or twinning degrees;
- (f) the rights and obligations of the collaborating universities or institutions;
- (g) financial arrangements; and
- (h) mechanisms of variation and termination of the memorandum.

68. (1) The admission of students into programmes offered under collaboration shall be in line with the existing university admissions criteria in Kenya.

Admission of students under collaboration.

(2) In the case of joint, multiple, double, dual and twinning degrees the students shall also be required to meet the minimum admission criteria of the foreign university collaborating with a local university or institution.

69. (1) Upon receipt of the application referred to in regulation 63, the Commission shall appoint a Collaboration review committee which shall comprise of—
- (a) at least two appropriately qualified peer reviewers; and
- (b) relevant officers of the Commission.
- (2) The collaboration review committee shall—
- (a) verify the documents submitted under regulation 62;
- (b) inspect and verify the academic resources, management and administrative structures pertinent to the academic programmes of the local university or institution; and
- (c) make such other follow-up inquiry relevant to the collaboration processes as may be deemed necessary.
- (3) The Collaboration Review Committee shall submit a written report to the Commission.
70. (1) The Collaboration Review Committee shall submit a report of its findings under regulation 59 to the Commission.
- (2) The Commission may, upon confirmation that the parties to the collaborative agreement meet conditions set out under these Regulations, approve the collaboration and grant authority to collaborate.
- (3) The Commission shall issue a Certificate of Authority to collaborate to the foreign university and local university or institution.
- (4) The Commission shall publish the approved collaborations on the Commission website and the particulars of the academic programme in respect of which the authority is granted.
- (5) Where parties to the collaborative agreement fail to address the issues highlighted in the report under regulation 69(2), the Commission shall reject the application for collaboration.
- (6) Notwithstanding the provisions of paragraph (5), the Commission shall accord the application a fair administrative process.
71. The Commission shall maintain an up to date register of Universities or Institutions granted authority to collaborate under these Regulations.
72. The Commission may conduct regular or impromptu inspections, investigations or audits, on Universities or Institutions granted authority to collaborate under these Regulations, in accordance with the Universities Standard and Guidelines.
73. The Commission may issue a notice of intention to revoke a Certificate of Authority to Collaborate, in writing, outlining the reasons for the intention to revoke.
74. (1) The Commission may revoke a certificate of authority to collaborate, on its own motion or upon application by any of the

Collaboration review committee.

Approval of collaboration.

Register of universities or institutions granted authority to collaborate. Monitoring of universities or institutions granted authority to collaborate.

Notice to revoke authority to collaborate.

Revocation of authority to collaborate.

collaborating partners before the expiry of the term of the collaboration on the following reasons—

- (a) in the opinion of the Commission, such revocation is in the interest of University education in Kenya;
- (b) any of the Universities or Institutions in the collaboration is in breach of the terms and conditions upon which the Authority to Collaborate was granted;
- (c) any of the Universities or Institutions is no longer offering the academic programme under collaboration for which the Authority to Collaborate was granted;
- (d) any of the Universities or Institutions has ceased to be an accredited or recognized University or Institution;
- (e) such changes have since occurred which, if they had been in existence at the time of application for the Authority to Collaborate, such Authority to collaborate would not have been granted; and
- (f) any other reason that the Commission may deem necessary.

(2) Where a Certificate of Authority to Collaborate has been revoked—

- (a) such revocation shall not affect the academic awards granted under the collaboration before the date of revocation; and
- (b) the local collaborating University or Institution shall make necessary arrangements for the ongoing students to complete their programmes.

(2) Notwithstanding the provisions of paragraph (2), the collaborating institutions shall be accorded fair administrative action as provided for under these Regulations.

PART IX—A LOCAL UNIVERSITY COLLABORATING WITH A LOCAL UNIVERSITY OR INSTITUTION AUTHORIZED TO OPERATE IN KENYA

75. (1) A local university shall apply to the Commission in the rescribed format, for grant of authority to collaborate with a local niversity or institution authorized to operate in Kenya.

Collaboration with local university or institution.

(2) The application referred to in paragraph (1) shall be submitted together with copies of the—

- (a) proposed contract for collaboration between the applying local university and the university or institution with which it intends to collaborate;
- (b) academic programmes to be offered under the collaboration;
- (c) the nature of collaboration and the type of degree awarded;
- (d) certificate of accreditation or registration of local university or local institution;
- (e) evidence of accreditation status of the academic programmes to be offered under the collaboration.

- (3) The contract referred to in paragraph (2) (a), shall specify—
- (a) the terms;
 - (b) the modalities of teaching;
 - (c) the assessment and awards system in respect of the academic programmes offered;
 - (d) the rights and obligations of the collaborating universities or institutions;
 - (e) the academic resources devoted to the academic programmes in the local institution in accordance with the prescribed standards and guidelines;
 - (f) the management and administration of the academic programme; and
 - (g) the financial arrangements for the collaboration.

76. The review of a collaborative arrangement shall be as provided under regulation 69.

Collaboration review committee.

77. The Commission may grant authority to collaborate, upon confirmation that all the requirements for grant of authority to collaborate as prescribed under regulation 70 have been met.

Grant of authority to collaborate.

78. The Commission shall publish the grant of authority to collaborate under these Regulations on the Commission website.

Publication of grant of authority to collaborate.

79. The Commission shall maintain and update a register of universities or institutions granted authority to collaborate under these Regulations.

Register of universities or institutions granted authority to collaborate.

80. The Commission may conduct regular or impromptu inspections, investigations and audits, on universities or institutions granted authority to collaborate under these Regulations, in accordance with the prescribed standard and guidelines.

Monitoring of universities or institutions granted authority to collaborate.

81. The Commission may issue a notice of intention to revoke a certificate of authority to collaborate, in writing, outlining the reasons for revocation.

Notice to revoke authority to collaborate.

82. (1) The Commission may revoke a certificate of authority to collaborate, on its own motion or upon application by any of the collaborating universities or institutions before the expiry of the term of the collaboration if—

Revocation of authority to collaborate.

- (a) in the opinion of the Commission, such revocation is in the best interest of university education in Kenya;
- (b) any of the universities or institutions in the collaboration is in breach of the terms and conditions upon which the certificate of authority to Collaborate was issued;
- (c) any of the universities or institutions is no longer offering the academic programme under collaboration for which the certificate was issued;
- (d) any of the universities or institutions has ceased being an accredited or recognized university or institution; or

- (e) such changes have since occurred which, if they had been in existence at the time of application for the certificate of authority to collaborate, such authority to collaborate would not have been granted.
- (2) Where a certificate of authority to collaborate has been revoked—
- (a) such revocation shall not affect the academic awards granted under the collaboration before the date of revocation; and
- (b) the local collaborating University or Institution shall make necessary arrangements for the ongoing students to complete their programmes.
- (3) The Commission shall publish the revocation of authority to collaborate on the Commission website.
- (4) Notwithstanding the provisions of paragraph (1), the collaborating institutions shall be accorded fair administrative action as provided for under these Regulations.

**PART X-LICENSING OF STUDENT RECRUITMENT AGENCIES
AND ACTIVITIES OF FOREIGN UNIVERSITIES OR
INSTITUTIONS**

83. (1) A student recruitment agency or a foreign institution intending to recruit students from Kenya shall apply for a licence to the Commission, in the prescribed format.

Application for a licence as a student agency.

(2) For purposes of paragraph (1), agencies of foreign universities and institutions include—

- (a) foreign universities or institutions directly advertising, exhibiting or recruiting students;
- (b) agencies for student recruitment into universities or institutions;
- (c) agencies for advertising, exhibiting and marketing universities or institutions;
- (d) a confederation of agencies for advertising, exhibiting and marketing universities or institutions; and
- (e) a confederation of agencies for student recruitment into universities or institutions.

(3) The Commission may from time to time prescribe standards and guidelines to govern student recruitment agencies and the activities of foreign universities or institutions in Kenya.

84. (1) A student recruitment agency shall be eligible to be licensed to operate in Kenya if such agency—

- (a) is registered under the laws of Kenya;
- (b) is a legal entity in the country of origin;
- (c) represents an accredited university or institution in the country of origin;

Conditions for operating a student recruitment agency.

- (d) has a physical address; and
- (e) provides evidence of Memorandum of Understanding or Agreement with a university or institution it represents.
- (2) Foreign missions may be allowed to operate under short term licenses as may be prescribed by the Commission from time to time.
85. (1) A license to operate under this provision shall be valid for a period of one year, and may be renewed subject to the agency's adherence to the conditions set out by the Commission.
- (2) The Commission may cancel a license to operate if it is of the opinion that the agency is in violation of the terms and conditions under which the license was issued.
86. An agency to which a licence is issued may—
- (a) recruit qualified students for specified universities or institutions;
- (b) carry out marketing and liaison activities for the universities or institutions it represents;
- (c) provide student services; and
- (d) advertise its services.
87. (1) An agency licensed to operate under these Regulations shall be obligated to—
- (a) recruit students who are qualified in accordance with the admissions criteria set out by the Commission;
- (b) place students into authorized, accredited and recognized universities or institutions;
- (c) carry out due diligence to establish the accreditation status of the universities or institutions and academic programmes;
- (d) operate within the relevant laws in Kenya;
- (e) ensure that all instructions issued by the Commission under these Regulations are complied with; and
- (f) provide student services.
88. (1) The Commission shall maintain in its website a register of all agencies licensed under these Regulations.
- (2) A person who intends to enroll in any advertised degree programme, including an online one, may seek clarification from the Commission, on the accreditation status of the programme and the university or institution in question.
89. (1) A foreign University intending to recruit students directly from Kenya shall apply for a licence to the Commission in the prescribed format.
- (2) A license to operate under this provision shall be valid for a specified period of time, and may be renewed subject to the agency's adherence to the conditions set out by the Commission.

License to operate as a student recruitment agency.

Effects of the license.

Obligations of an agency.

Register of student recruitment agencies.

Activities of foreign universities or institutions.

(3) A foreign University or Institution wishing to recruit students directly from Kenya shall submit to the Commission evidence of the accreditation status of the university or institution in the home country.

(4) A foreign university or institution licensed to recruit students shall observe the highest standards of student recruitment, advertising, exhibiting and marketing of its activities in Kenya.

(5) A foreign university or institution licensed to recruit students shall disclose to the prospective students all services rendered to students before and after they leave for their studies in the foreign university or institution.

(6) A foreign university or institution licensed to recruit students shall operate from an identifiable, designated, appropriate and adequate operational physical space as specified in the Universities Standards and Guidelines.

(7) A foreign university or institution licensed to recruit students shall have adequate and competent human resources to execute its mandate as specified in the Universities Standards and Guidelines.

90. (1) The Commission may conduct regular and impromptu inspections, investigations or audits, on a Student Recruitment Agency to—

Monitoring of student recruitment agencies.

- (a) confirm the extent to which the Agency is complying with the Act, these Regulations, the prescribed standards and guidelines and other statutory requirements; and
- (b) assess whether the Agency can continue recruiting students.

(2) The audit, inspection or investigation referred to in paragraph (1) shall be conducted by an Audit, Inspection or Investigation Committee or an authorized officer or officers as specified in the standards and guidelines.

(3) The Audit, Inspection or Investigation Committee or authorized officer or officers shall submit a written report to the Commission.

(4) The Commission shall give written submissions to the Agency inspected, detailing the issues to be addressed within a specified time frame to ensure compliance with the Act, Regulations, Standards and Guidelines and other statutory requirements.

(5) If the matters outlined in the report pursuant to paragraph (3) contravene the objects for which the agency was licensed, the Commission may revoke the license.

(6) An agency or institution which is aggrieved by an act or decision of the Commission under this regulation may appeal as provided for under these Regulations.

(7) An Agency which, without the written consent of the Commission, uses the name of a foreign university or institution in furtherance of or in connection with any advertisement for any trade or business, commits an offence and shall be liable, on conviction, to penalties set out under the Act and these Regulations.

PART XI— RECOGNITION AND EQUATION OF DEGREES,
DIPLOMA AND CERTIFICATES CONFERRED OR AWARDED
BY A FOREIGN UNIVERSITY AND INSTITUTION

91. (1) Holders of degrees, diplomas and certificates conferred or awarded by foreign universities and institutions may seek recognition or equation of qualifications from the Commission. Scope of the service.

(2) The Commission may recognize and equate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the prescribed standards and guidelines.

(3) The recognition or equation of qualifications issued under this Regulation shall not be deemed to be an award or a replacement of a qualification.

92. (1) The following principles shall apply in respect of the assessment of foreign qualifications under this regulation— Principles of recognition and equation.

- (a) holders of foreign qualifications shall have adequate access, upon request, to an assessment of their qualifications;
- (b) the procedures and criteria for the assessment of foreign qualifications shall be transparent, coherent and reliable;
- (c) in recognizing foreign qualifications, both national and international legal frameworks shall be applied;
- (d) where the qualifications presented cannot be recognized, the Commission shall inform the applicant the underlying reasons;
- (e) while the aim of the Commission shall be to assess foreign qualifications in qualitative terms, the assessment may rely on both qualitative and quantitative criteria, where quantitative criteria are considered relevant to quality and may supplement qualitative criteria; and
- (f) recognition shall be granted wherever possible, unless there is substantial difference in terms of content, profile, workload, quality and learning outcomes with similar programmes available locally.

93. (1) The Commission shall evaluate applications made on recognition and equation of foreign degrees, diplomas and certificates conferred or awarded by foreign universities and institutions. Evaluation of foreign qualifications.

- (2) In its evaluation under paragraph (1), the Commission shall—
- (a) establish whether a university or institution belongs to a country operating under the auspices of any international or regional convention;
 - (b) establish whether the higher education institution belongs to the countries operating under the auspices of any international or regional conventions;
 - (c) take due account of the established quality assurance system, including the system of formal evaluation of higher

- education institutions and programmes in the country of origin;
- (d) identify the qualification in the system of the country in which recognition is sought which is most comparable to the foreign qualification, and where available, the Commission shall refer to the National Qualifications Framework, Regional Qualifications Frameworks and global conventions;
 - (e) consider differences in the content, profile, workload, quality and learning outcomes. In such cases the evaluation shall seek to establish alternative recognition that may include—
 - (i) recognition of the foreign qualification as compared to a qualification of Kenya, but not that indicated by the applicant;
 - (ii) partial recognition of the foreign qualification; and
 - (iii) full or partial recognition of the foreign qualification subject to the applicant successfully taking additional examinations, further study, aptitude tests or other compensatory measures;
 - (f) take into account prior learning, credit transfer, different forms of recognised access to higher education, joint degrees and lifelong learning in recognition of some academic qualifications which are awarded in short duration, without diminishing the learning outcomes. A decision not to grant recognition shall not be motivated by duration alone;
 - (g) consider previous levels of education only where these levels have a bearing on the outcome of the evaluation, and shall as far as possible, be limited to qualifications of a level immediately preceding the qualification for which recognition is sought;
 - (h) apply best professional skills or practices and take note of all relevant information; and
 - (i) exercise due diligence when taking note of the learning outcomes and the education programme during evaluation.
- (3) Where qualifications are under previous higher education structures, the following principles shall apply—
- (a) the field in which the qualification is awarded as well as activities undertaken within the field by the applicant after attaining the qualification;
 - (b) the Qualifications Framework and status of the qualification in the issuing country;
 - (c) older qualifications shall be recognized in comparison with recent and similar qualifications issued in Kenya, taking into account the purpose for which such recognition is sought and relevant work experience; and

- (d) learning outcomes, the quality of the academic programme and its duration shall be taken as some of the indicators of the level of achievement reached at the end of the programme.

94. The criteria for recognition and equation of qualifications shall be as provided for in accordance with the prescribed Universities Standards and Guidelines.

Criteria for recognition and equation of qualifications.

PART XII—GENERAL PROVISIONS

95. The fees chargeable for services rendered under these Regulations shall be determined and *Gazetted* by the Commission from time to time.

Fees.

96. (1) A person who, without the written consent of the Commission, uses the name “Commission for University Education” or the name “University” in furtherance of or in connection with any advertisement for any trade, business, calling or profession, commits an offence and shall be liable to penalties set out under the Act and these Regulations.

Penalties.

(2) If an offence under the Act or these Regulations is committed by a university or other body corporate with connivance of or attributable to any officer of the university or any other person who purports to act in any such capacity, that university, officer or the other person shall be guilty of that offence.

97. Any person or institution who or which is aggrieved by an act or decision of the Commission taken in accordance with any of the provisions of these Regulations, who or which desires to question that act or decision, or any part thereof, may, within thirty days of the date of such act or decision—

Review and appeals.

- (a) seek review of the decision in writing to the Commission which shall review and decide on the matter in question and respond within a period of three months; and
- (b) appeal to the Cabinet Secretary thereafter, if not satisfied with the decision of the Commission following the results of the review.
- (c) upon appeal, the Cabinet Secretary may give such orders or instructions as may be deemed necessary within a period of three months.

98. (1) A Chartered University, a university being a holder of Letter of Interim Authority, or a constituent college that was in existence before the coming into operation of these Regulations shall be deemed to be a Chartered University, a university being a holder of Letter of Interim Authority, or a constituent college under these Regulations

Transitional arrangements.

(2) Any University college, campus, or Open, Distance and E-Learning Centre that was in existence before the enactment of these Regulations shall be deemed to be a university college, campus or Open, Distance and E-Learning Centre established under these Regulations.

(3) Any foreign University which at the commencement of these Regulations is providing programmes in collaboration with a local University or tertiary institution shall be deemed to have been authorized to collaborate under these Regulations.

(4) Any University which at the commencement of these amendments is offering academic programmes approved or accredited under the repealed Regulations shall be deemed to have been approved or accredited under these Regulations.

99. Where a period of time specified in the repealed Regulations is current at the commencement of these Regulations, these Regulations shall have effect as if the corresponding provisions had been in force when that period began to run.

Continuation of time.

100.(1) The Commission may from time to time prepare and publish in the Gazette a set of standards, herein referred to as “Universities Standards and Guidelines”, to govern establishment of proposed universities and the performance, operations and general conduct of all universities authorized to operate under these Regulations.

Preparation of standards and guidelines.

(2) Notwithstanding the generality of paragraph (1), the Universities Standards and Guidelines may, in particular set out minimum standards among others on—

- (a) governance and management;
- (b) establishment of universities or institutions
- (c) physical facilities;
- (d) academic programmes;
- (e) library facilities and information services;
- (f) human resources;
- (g) financial resources;
- (h) the Open, Distance and e-Learning;
- (i) institutionalization of quality assurance;
- (j) collaborations;
- (k) recognition and equation of qualifications;
- (l) the Student Recruitment Agencies;
- (m) university information and data;
- (n) information and Communication Technology;
- (o) safety and security;
- (p) revocation and winding up of university or institution;
- (q) mergers and acquisitions;
- (r) fair administrative procedures; and

(s) any other standard deemed necessary by the Commission.

(3) A University shall appoint and promote academic staff as provided in the prescribed standards and guidelines.

101. (1) The standards contained in the Schedules are declared to have been prepared and published in accordance with section 5 (1) (c) of the Act.

Declaration of standards and guidelines.

(2) The Commission may add to, delete or otherwise amend the contents of the Schedules provided, however, that any amendment made in accordance with this Regulation shall be published in the Gazette.

102. The Universities Regulations, 2014 are revoked.

Revocation of LN. 76 of 2014.

FIRST SCHEDULE
GOVERNANCE AND MANAGEMENT OF A UNIVERSITY

(r. 13(b))

1. Sponsor
 - (1) The Sponsor of a public University shall be the Government of Kenya whilst the Sponsor of a private University shall be an individual or a duly registered or incorporated legal entity.
 - (2) A Sponsor shall—
 - (a) apply for the establishment of the University; and
 - (b) commit to the overall financing, development, implementation, construction, maintenance and management of the University in accordance with the provisions of the Act; and
 - (3) Where a Sponsor intends to change name of the university or sponsorship of a University, or intends to withdraw sponsorship of a university, shall apply to the Commission as provided for in these Regulations.
 - (4) In carrying out his or her functions, the sponsor may appoint a Board of Trustees to hold the University in trust.
2. Board of Trustees
 - (1) A Board of Trustees shall—
 - (a) be constituted in accordance with the Trustees (Perpetual Succession) Act, Cap 164;
 - (b) have members representing the interests of the Sponsor but, members of the sponsoring family in case of an individual sponsor or members of a sponsoring entity, in case of an institutional sponsor, shall not constitute more than a third of the Board of Trustees; and
 - (c) have a third of its members being Kenyans in the case of a foreign sponsor.
 - (2) The functions of the Board of Trustees shall be as specified in the Universities Act.
3. Chancellor
 - (1) The functions of a Chancellor shall be as stipulated in the Universities Act.
 - (2) The procedures of appointment of a Chancellor of a public university shall be as stipulated in the Universities Act.
 - (3) A private university shall provide in its Charter, or in the case of an institution with a Letter of Interim Authority, in its proposal, the procedure for appointment of a Chancellor which shall specify among other things, the tenure and qualifications.
 - (4) Every University shall clearly articulate the powers and privileges of the Chancellor in its Charter, or in the case of an institution with a Letter of Interim Authority, in its proposal.

- (5) The Vice-Chancellor shall, at least twice every year, brief the Chancellor on the performance of the University.
 - (6) The Chancellor shall, on an annual basis, hold an official meeting with the Council to discuss the performance of the University and such meeting shall discuss among other matters, reports on student enrollment and progression, staffing, finances, academic programmes and quality assurance.
4. Vice-Chancellor of a Public University
- (1) The Vice-Chancellor shall be a person appropriately qualified as provided for in the Act, these Regulations, the Charter, the Universities Standards and Guidelines, other relevant laws, University Statutes and Policies.
 - (2) The Vice-Chancellor shall hold office for a period of five years and may, subject to satisfactory performance, be eligible for re-appointment for a further term of five years.
 - (3) At least six months to the expiry of the five-year contract, the Vice-Chancellor shall, if interested in a second term, submit an application to the Chairperson of the Council to consider renewing his or her contract.
 - (4) The Council shall within two months of receipt of the application, evaluate the performance of the Vice-Chancellor and, if satisfied, recommend to the appointing authority his or her re-appointment for a final term of five years.
 - (5) The procedure of appointment and re-appointment of a Vice-Chancellor of a public University shall be as provided for in the Act.
 - (6) Notwithstanding the provisions of the Act, the Vice Chancellor shall—
 - (a) be the accounting officer of the University and shall be responsible to the university Council for the maintenance and promotion of the objectives of the University;
 - (b) be the Secretary and ex-officio member to the University Council.
 - (c) be the Chairperson of the Senate;
 - (d) be the Chairperson of the University Management Board and any other Committee as specified in the Charter and Statutes; and
 - (e) have such powers and duties as may be conferred by the University Council in accordance with the University Charter and Statutes.
 - (7) The Vice-Chancellor may, from time to time, assign or delegate any of his/her duties to a Committee or a member of the University Staff for the proper functioning of the University and may withdraw any such assignment or delegation as may be deemed necessary. The Vice-Chancellor shall retain overall responsibility over the decisions made under the delegated powers.
 - (8) In the case where a Vice-Chancellor is unable to discharge his duties for whatever reason, the University Council shall appoint, in acting capacity one of the Deputy Vice-Chancellors to perform the duties of the Vice-Chancellor for a period not exceeding six months.
 - (9) The Council in consultation with the Cabinet Secretary may terminate the appointment of a Vice-Chancellor on the basis of—

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- (a) serious violation of the Constitution or any other written law as pronounced by a competent Court of law;
 - (b) violation of the principles of public service;
 - (c) violation of National Values including the tenets of leadership and integrity;
 - (d) gross misconduct;
 - (e) physical or mental incapacity as declared by competent medical practitioners to perform the functions of the office;
 - (f) incompetence;
 - (g) unsatisfactory performance; or
 - (h) bankruptcy, as adjudged by a court of competent jurisdiction.
- (10) The termination in subparagraph (9) shall—
- (a) be subject to the Vice-Chancellor being accorded a fair hearing as provided for in section 63 of the Act; and
 - (b) take into consideration the relevant laws and University Statutes and Policies.
- (11) Where the position of Vice Chancellor falls vacant, the Council shall appoint an acting Vice Chancellor from among the Deputy Vice Chancellors or any other suitably qualified person for a period not exceeding six (6) months or until a substantive Vice Chancellor is appointed whichever comes earlier.
- (12) The provisions of this section shall apply to the Principal of a Constituent College.
5. Vice Chancellor of a Private University
- (1) A private University shall define the procedure of appointment and the tenure of its Vice-Chancellor in its Charter and Statutes and in the case of an institution with Letter of Interim Authority, in its Proposal.
 - (2) The procedure defined in (1) shall take into consideration provisions in the Universities Act, these Regulations and the Universities Standards and Guidelines.
 - (3) The duties of a Vice-Chancellor shall be spelt out in the Charter and statutes, and in the case of an institution with a Letter of Interim Authority, its Proposal, and shall be in line with the provisions of the Universities Act.
 - (4) Notwithstanding the provisions of (3), the Vice Chancellor shall:
 - (a) be the Accounting Officer of the University and shall be responsible to the University Council for the maintenance and promotion of the objectives of the University;
 - (b) be the Secretary and ex-officio Member to the University Council;
 - (c) be the Chairperson of the Senate; Chairperson of the University Management Board and any other Committee as specified in the Charter and Statutes; and
 - (d) have such powers and duties as may be conferred by the University Council in accordance with the University Charter and Statutes.

6. Council of a Private University

- (1) A private University shall outline the procedure for appointment of Council in its Charter and in the case of Institutions with Letter of Interim Authority, in their Proposals.
- (2) A private university shall provide for the qualifications and procedures of appointment of its Chairperson and members of Council in its Charter and Statutes, and in the case of an institution with Letter of Interim Authority, in its Proposal.
- (3) A private University shall outline the procedure for appointment of Council in its Charter and in the case of Institutions with Letter of Interim Authority, in their Proposals.
- (4) The functions of a Council of a private university shall be as prescribed in the Act. In addition, a University shall—
 - (a) clearly stipulate the composition and functions of the Council in its Charter and Statutes, and in the case of an institution with Letter of Interim Authority, in its Proposal;
 - (b) determine and outline the staff required for the optimum performance of the University in its Charter, Proposal or Legal Notice in the case of a chartered University, institutions with Letter of Interim Authority or Constituent College respectively, in compliance with the relevant statutory provisions, Universities Regulations, Universities Standards and Guidelines, Charter, Statutes, Proposal and the Legal Notice;
 - (c) approve a Human Resource Policy to govern the terms and conditions of the staff in line with the Constitution, the relevant statutory provisions, Universities Regulations, Universities Standards and Guidelines, Charter, Statutes, Proposal and the Legal Notice;
 - (d) institute mechanisms, for appraisal, reward and sanction of staff which shall be documented;
 - (e) institute mechanisms of ensuring that the contractual obligations to staff and statutory requirements are met in a timely manner;
 - (f) approve statutes, plans, policies, budgets and any other relevant documents submitted by the University Management Board;
 - (g) consider and approve proposals of the Senate for associations, collaborations, partnerships, networks and linkages with other bodies or organizations in furtherance of the purpose for which the University was established, where the same bear financial implication;
 - (h) receive regular progress reports on academic and administrative functions of the University for purposes of monitoring the performance of the University; and
 - (i) regularly brief the Sponsor/Board of Trustees on the performance of the University in the promotion of the objectives for which the University was established.

7. Council of a Public University

- (1) A Council shall employ staff and in so doing the Council shall-

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- (a) determine and outline the staff required for the optimum performance of the University in its Charter, for chartered universities or Legal Order in the case of a Constituent College;
 - (b) approve a Human Resource Policy to govern the terms and conditions of the staff in line with the Constitution, the relevant statutory provisions, Universities Regulations, Universities Standards and Guidelines, Charter, Statutes and the Legal Notice;
 - (c) institute mechanisms, for appraisal, reward and sanction of staff which shall be documented; and
 - (d) institute mechanisms of ensuring that the contractual obligations to staff and statutory requirements are met in a timely manner.
- (2) A public university shall outline in its Charter and Statutes, and in the case of a Constituent College, in its Legal Notice, the process of determining the tenure of its Council members during the first meeting of an initially appointed full Council, in line with the provisions of the Universities Act.
 - (3) A Chairperson of the Council shall communicate to the Cabinet Secretary the members who will serve for a term of three years, and a term of four years.
 - (4) The Cabinet Secretary, in exercising his powers of appointment, may terminate the appointment of a member or members of Council or dissolve an entire Council for—
 - (a) serious violation of the Constitution or any other written law as pronounced by a competent Court of law;
 - (b) violation of the principles of public Service;
 - (c) violation of national values including the tenets of leadership and integrity;
 - (d) gross misconduct;
 - (e) physical or mental incapacity as declared by competent medical practitioners to perform the functions of the office;
 - (f) incompetence;
 - (g) unsatisfactory performance; or
 - (h) bankruptcy, as adjudged by a court of competent jurisdiction.
 - (5) In the case of appointment of Council members under section 36(1) (d) of the Act, the Cabinet Secretary shall constitute a Selection Panel, chaired by a person with at least fifteen years of experience in university management to advertise, shortlist, interview and make recommendations to the Cabinet Secretary on qualified applicants for consideration as Council members in line with section 36(3) of the Act.
 - (6) The Cabinet Secretary, upon receipt of the recommendations of the Selection Panel, shall consider, appoint and cause to be published in the Kenya *Gazette* the members of Council for a University.
 - (7) A University shall outline the standing committees of the various governing organs and describe their composition, functions and responsibilities in the Charter, Legal Notice, for institutions with Charter, Statutes and Legal Order for Constituent Colleges.

- (8) The Council shall rationalize the positions of Deputy Vice Chancellor and other managers of the University which shall be articulated in the statutes.
 - (9) In the case where the position of Deputy Vice-Chancellor in charge of Finance and Administration or the equivalent has been established, the holders of the office shall have demonstrated training and competence in finance and administration.
8. University Management Board
- (1) The management board of a university shall –
 - (a) assist the Vice-Chancellor in the day to day management of the University;
 - (b) be responsible for implementation of the policies of the university; and
 - (c) undertake such other functions as shall be set out in the Charter.
 - (2) The composition of the Management Board shall be stipulated in the Charter, Proposal, or Legal Notice in the case of institutions with Letter of Interim Authority or Constituent College respectively and the membership shall include the Vice Chancellor, Deputy Vice Chancellor and Managers of administrative functions of the University.
9. Senate
- (1) The Senate of a university shall be in charge of all academic matters of a university.
 - (2) The Senate shall formulate and implement academic programmes of the University.
 - (3) Every University shall articulate the composition of the Senate in its Charter, or in the case of a University with a Letter of Interim Authority, in its proposal and in the Legal Order for a Constituent College.
 - (4) The composition of Senate shall include but not limited to the Vice Chancellor, Deputy Vice Chancellor(s), Academic Deans', Chairpersons of Academic Departments, and Professors as well as representatives of the Student Council.
 - (5) The members of the Senate whose membership is by virtue of office, shall have been appointed on merit to those offices through an open and transparent process that shall be stipulated in the University Charter and Statutes.
 - (6) Decisions of the Senate on any academic matter shall be in accordance with the provisions of the Universities Act, Universities Regulations and Universities Standards and Guidelines and approved plans and policies of the University.
 - (7) The Senate shall on a regular basis carry out tracer studies of their graduates for purposes of appraising the programmes of the University.
 - (8) The Senate shall put in place an integrated system for monitoring the progress of each enrolled student up to graduation.
 - (9) The Senate shall ensure and confirm the availability of academic resources before an academic programme is launched and during implementation in any campus.
 - (10) Notwithstanding the foregoing, the Senate of a university shall undertake the functions assigned to it in the Charter, Proposal and Legal Notice respectively.

10. Staff

The staff of a university shall be as provided in its Charter for chartered universities, Proposal in institutions with Letter of Interim Authority or Legal Order in the case of Constituent College and their respective Statutes.

11. Student's Association

Every University shall provide for the students' association in accordance with the Act.

12. Alumni Association

- (1) A University shall establish an Alumni Association, which may consist of graduates of the university and such other persons as may be declared to be members in its Charter and Proposal in the case of institutions with Letter of Interim Authority.
- (2) Every University shall put in place mechanisms to capture contact details of its graduating students who will form the alumni database.
- (3) An Alumni Association shall act as an interactive forum for the members and perform such other function as may be specified in the Act, Charter and Statutes.

Made on the 12th April, 2023.

EZEKIEL MACHOGU,
Cabinet Secretary for Education.