

New Higher Education Reforms in Kenya

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In the age of massification, ensuring education quality presents a formidable policy challenge. The recently enacted higher education law in Kenya—the Universities Act 2012—seeks to level the playing field in quality enforcement between public universities, which have operated as self-regulating entities, and private universities, which have been subject to strict regulatory control. The new law is an acknowledgment that, while private universities have come of age, public ones have begun to show signs of age and decay. Currently, the country boasts of around 23 full-fledged public universities with a total enrollment of over 197,000 students and 28 private universities, 15 chartered and 13 with Letters of Interim Authority, with an enrollment of over 37,000 students.

Though the country embraced the neoliberal tenets of marketization and privatization as strategies for university development the 1990s, the previous higher education law failed to keep pace with emerging challenges of public and

private university developments in the poststate dominance era. In a three-pronged strategy, the new law seeks to ensure parity in three quality-related areas: regulatory oversight, student admissions, and depoliticization of governance.

ACCREDITATION

To ensure regulatory oversight of all universities, the new law provides for the establishment of the Commission for University Education whose mandate covers both public and private universities. Hitherto, only private universities were required to obtain charters from the Commission for Higher Education after meeting stringent conditions in terms of physical facilities, staffing and learning resources. Consequently, as quality improved in the private universities, it deteriorated in the public ones. While the growth of private universities was regulated, public universities opened phony campuses all over the country in a concerted bid to shore up their shrinking bottom lines. One public university with a student capacity of 30,000 students has around 60,000 enrolled

All public universities now are required to apply and obtain charters from the Commission for University Education by July 2013. As part of the stringent charter requirements, they need a student-instructor ratio, based on program; ensure a right mix of instructors with PhD and master's degree qualifications;

provide first-rate laboratories for scientific and technical courses; upgrade their libraries; and rationalize the development of their satellite campuses. Failure to adhere to these quality indexes has had disastrous consequences for public universities. The School of Law at the University of Nairobi had its accreditation withdrawn by the Council for Legal Education, while that of Moi University's was put under a pending status. In contrast, all law schools in private universities have full accreditation. Similarly, the Institution of Engineers of Kenya has declined to register engineering graduates from Kenyatta University and Masinde Muliro University of Science of Technology. Likewise, the Kenya Medical Laboratory Technologist Association has declined to accept medical technology graduates from Kenyatta University. In all instances these professional bodies could not vouch for the veracity of the curriculum and facilities at the institutions.

ADMISSIONS

Until now, public universities—through the Joint Admissions Board—have admitted all government-sponsored students. These are the top high school graduates who meet the Joint Admissions Board's criteria and pay a highly subsidized tuition fee of around \$400 per year in contrast to \$2,000 paid by privately sponsored students in public universities and \$4,000 by those in private

institutions. Locked in public universities, many government-sponsored students who cannot be admitted in competitive programs—like medicine, engineering, and law—end up pursuing other courses. In contrast, those with lower admission scores and the wherewithal can pursue the popular courses, as privately sponsored candidates in public or private universities. The rich have choice but not the poor. A system designed to cushion the disadvantaged ended up punishing them.

The new law abolishes the Joint Admissions Board and creates the Kenya Universities and Colleges Central Placement Service to manage admissions in all universities, public and private. Government-sponsored students will be eligible for admissions in programs of their choice whether in public or private universities. That Central Placement Service will also work with the Higher Education Loans Board to determine students eligible for bursaries and loans, besides offering career and guidance services to all students. The net effect is to provide disadvantaged students additional institutional and program choices, while increasing student diversity across all universities and programs.

DEPOLITICIZATION OF GOVERNANCE

The relative advantage that state universities have enjoyed—in terms of minimal regulatory oversight, student funding, and admissions—are due to the political

patronage they have enjoyed. Under the defunct law, each university operated under its own act of parliament that recognized the head of state or his nominee as the chancellor of the university. The chancellor appointed the university council members as well as the vice-chancellor (the chief executive officer). With such political associations, the government could steer universities in specific directions, regardless of impact on academic quality, while universities could extract major concessions from the state. Thus, the public university vice-chancellors were automatic members of the Commission of Higher Education board, which only regulated private universities. The government has occasionally sought increased enrollment in state universities beyond capacity as the demand for university education surged.

The University Act of 2012 abolishes the individual university acts, discontinues the head of state chancellorship of public universities, and eliminates public universities vice-chancellors' membership in the new Commission for University Education board. University alumnae and the university senates will now appoint the chancellor, a community leader of high-moral integrity as provided for in the constitution. The vice-chancellors will be appointed by the university councils, following a competitive search in the marketplace. The objective is to depoliticize the university administrations, while

strengthening internal shared governance as a means of improving quality assurance.

THE QUALITY CONUNDRUM

Increasing student choice and reconfiguring governance may be the easy parts of the reengineering, but whether the new law will radically improve quality in Kenya's higher education remains to be seen. As long as the demand for university education remains insatiable and the government continues to be a key actor in setting the university agenda, it is hard not to envision the effects of the market leaving no scars in the universities. For instance, the government increased the number of public universities from 8 to 23 within 6 months from October 2012 to March 2013. Further, the new 47 county governments, elected in March 2013, are each contemplating opening a university, notwithstanding the critical manpower shortfalls bedeviling the existing universities. It is also noteworthy that except Strathmore University and the United States International University, all private universities have mimicked public ones in establishing the much-derided, poorly resourced but revenue-enhancing satellite campuses across the country. Mount Kenya University, the largest private institution, has even surpassed public universities in the satellite campus race and even launched transnational campuses in South Sudan and Rwanda.