

DRAFT UNIVERSITIES REGULATIONS (ESTABLISHMENT, ACCREDITATION AND STANDARDIZATION) 2013

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These regulations made under the Universities Act 2012 to provide for the establishment accreditation and supervision of universities.

THE UNIVERSITIES ACT 2012

IN EXERCISE of the powers conferred by section 70 of the Universities Act,

The Cabinet Secretary for Education, after consultation with the Commission for University Education makes the following Regulations.

PART I - PRELIMINARY

Citation

1. These Regulations may be cited as the Universities Regulations, 2013.

Interpretation

2. In these Regulations, unless the context otherwise requires-

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

“*academic recognition*” refers to the recognition of (foreign) qualifications for the purpose of further studies;

“*academic staff*” means members of the teaching staff of a university;

“*academic year*” means a continuous period of teaching examination and study organised in a full year mode, semester mode, trimester mode and quarter mode and extending over not less than thirty weeks in a calendar year;

“*access*” means the right of qualified candidates to apply and to be considered for admission to an institution of higher learning;

“*accreditation*” means the procedure by which the Commission formally recognizes an institution as a university under part III of the Universities Act 2012;

“*Act*” refers to the Universities Act, 2012;

“*admission*” means the act of, or system for, allowing qualified applicants to pursue studies in higher education at a given institution and/or in a given programme;

“*associate professor*” means an imminent professor who is a scholar with Doctor of Philosophy qualifications in the relevant discipline, immense teaching experience, evidence of provision of mentorship to postgraduate students, high quality published work, active engagement in research evidenced by peer reviewed and published articles

and books, great contribution to educational innovations including designing appropriate curriculum;

“*Cabinet Secretary*” means the cabinet secretary for the time being in charge of university education;

“*certificates and diplomas*” means post-graduate certificates and diplomas;

“*Certified translation*” refers to an official document constituting the verbatim (word for word) translation, by a legally certified translator, from a foreign language into English;

“*collaboration*” means an arrangement between a foreign university and a Kenyan university or a tertiary institution for purposes of offering academic programmes;

“*Commission*” means the Commission for University Education established under section 4 of the Universities Act, 2012;

“*competent recognition body*” refers to a body officially charged with making binding decisions on the recognition of foreign qualifications;

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

“*curriculum*” means an organized programme of study for a given degree or diploma awards incorporating all matters including rationale of the programme, purpose, expected learning outcomes, academic resources for the support of the programme, academic organization of the programme, admission requirements, mode of delivery, programme content requirements, assessment process requirements and requirements for the award of the degree;

“*department*” means an academic division into which a faculty is divided for purposes of teaching, examinations and administration;

“*duration of study*” refers to any component of an education and training programme which represents the acquisition of significant knowledge or skill without being regarded as a complete programme of study in itself. For purposes of recognition the duration of study must have been completed, evaluated and documented;

“*evaluation of (foreign) qualifications*” refers to the analysis and written evaluation, by the Commission, of an individual's (foreign) qualifications;

“*faculty*” means an academic division so designated or established under the instruments constituting a university and it may also mean academic members of staff;

“*foreign university*” means a university established outside Kenya, which intends to offer university education in Kenya;

“*general requirements*” refers to conditions that must in all cases be fulfilled for admission to a given level of higher education, or for the award of a higher education qualification at a given level;

“*guideline*” refers to a principle that provides guidance to set standards;

“*institution*” means an organization founded for a particular work such as education, promotion of arts or scientific research;

“*lecture hour*” means a period of time equivalent to one hour and representing one such continuous hour in lecture form, two in a tutorial or open learning session, three in a laboratory practical or practicum and five in farm or similar practice;

“*lecturer*” means a scholar with qualifications in the relevant discipline, teaching experience and engagement in research and publication;

“*private university*” means a university established with funds other than public funds;

“*professional recognition*” relates to the methodologies and procedures for evaluating credentials for work purposes or employment;

“*professor*” also referred to as ‘full professor’ means a reputable scholar with Doctor of Philosophy qualifications in the relevant discipline, immense teaching experience, evidence of vast provision of mentorship to postgraduate students, high quality published work, active engagement in research evidenced by peer reviewed and published articles and books, great contribution to educational innovations including designing appropriate curriculum and demonstrated provision of leadership in the discipline area;

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

“*public university*” means a university maintained or assisted out of public funds;

“*qualification*” means any degree, diploma or other certificate issued by a competent authority attesting the successful completion of a higher education programme;

“*recognition*” means the formal acknowledgement by the Commission in a particular country of the appropriateness of a foreign qualification for access to related educational and/or employment opportunities in the receiving country;

“*regulation*” is any statement of policy or interpretation of general application and future effect that also has institution-wide effect or affects the rights or interests of the programme or institution;

“*senior lecturer*” means a scholar with doctorate qualifications in the relevant discipline, great teaching experience, active engagement in research evidenced by peer reviewed and published articles, contribution to educational innovations including designing appropriate curriculum and evidence of supervision of both undergraduate and postgraduate students and lecturers involved in studying and teaching respectively;

“*specific requirements*” refers to conditions that must be fulfilled, in addition to the general requirements, in order to gain admission to a particular higher education programme, or to be awarded a specific higher education qualification in a particular field of study;

“*standard*” is a reference point against which different aspects of the programme are compared or evaluated for quality;

“*university*” means a university to which a charter has been granted under the universities Act 2012.

Scope.

3. (1) These Regulations shall apply to-
 - a) All universities in Kenya
 - i. Private university;
 - ii. Public university;
 - iii. Technical university;
 - iv. Open university; and
 - v. Any foreign university intending to offer university education in Kenya;

- b) Specialized degree awarding institution;
 - c) Any student recruitment agency operating in Kenya;
 - d) any agent or agency of such a university or institution as is specified in paragraphs (a), (b) and (c) operating or intending to operate as or on behalf of such university within Kenya.
- (2) Except as may be expressly enacted to the contrary or otherwise provided, no institution shall, after the commencement of these Regulations, without the authority of the Cabinet Secretary on recommendation of the Commission.
- (3) (a) Advertise or continue to advertise or in any manner hold itself out to the public as a university or a degree awarding institution;
- (b) Admit or continue to admit students to or conduct courses or programmes of instruction leading to the award of degrees, certificates or diplomas; or
- (c) Otherwise embark upon or continue with any activity preparatory to the establishment of facilities for university education.
- (4) Authority to operate in any of the ways specified in the paragraph (2) or to perform any other function consistent therewith shall not be issued except in the manner specified in the Act and these Regulations.

PART II - ESTABLISHMENT OF A UNIVERSITY

Eligibility and application procedure

4. (1) 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 in terms of this Part-
- (a) Any person who –
 - i. Intends to be or is a sponsor of a university; or
 - ii. Is a body corporate/institution having as one of its objects the provision of university education;
 - (b) Any government ministry, department or agency.

- (2) Any person or institution eligible to apply for authority to establish or constitute itself into a university under this regulation shall do so by submitting to the Commission an application in Form **CUE / ACC / 1** set out in the First Schedule duly completed and certified by him or on its behalf by a person competent to do so.

Proposal as to particulars and resources

5. (1) An application under regulation 4 (2) shall be accompanied with a proposal setting out:-
- a) Vision, mission, philosophy and justification of the university;
 - b) Experience of the sponsor in university education;
 - c) the academic resources (including land, physical facilities, finances, staff, library services and equipment) appropriate to and adequate for the proposed academic programme(s) to be conducted at that university which have been or can be procured and the manner in which these shall be maintained on a long term basis; and
 - d) the proposed name, location and academic character of that university;
 - e) the functions, aims, objectives and strategies consistent with the needs of university education in Kenya for which the university is to be established;
 - f) the form of governance through which the academic and administrative affairs of the university are to be conducted.
 - g) an outline of the academic programme(s) intended to be conducted at that university.
 - h) timetable indicating the steps expected to be taken in the next four years towards the realization of the aims and objects for which the university is to be established.
 - i) Any other information as may be required by the Commission.
- (2) The proposal shall have the following appendices:
- a) a draft Charter in the manner specified in section 13 (3) of the Act;
 - b) academic programme(s);
 - c) trust deed for the university in case of a private university;
 - d) a description of the University library;
 - e) physical resources-title deeds, change of user, completion certificates, borehole log; tests of water; Architectural drawings;

- f) master plan and strategic plans;
 - g) regulations governing student conduct and terms and conditions of service of staff
 - h) student handbook;
 - i) certificates by statutory and or relevant certification bodies; and
 - j) any other document deemed to be necessary by the Commission.
- (3) The Commission shall not process any application under regulation 4 (2) unless the requirements of paragraph 5 (1) and 5(2) of this regulation are complied with.

Issuance of Letter of Interim Authority

6. (1) The Commission shall schedule a meeting or series of meetings with each applicant whose proposal has been received at which examination of the available documentation or evidence in respect of the resources indicated therein shall be made.
- (2) The Commission shall order a detailed and independent inspection for the purpose of evaluation of the resources available and shall, in that connection have power to order the production of such further information or documentation as would enable it to make a proper assessment of the matter.
- (3) For purposes regulation 6(2) above, the Commission shall set up an Inspection Committee that shall include:
- a) at least two academicians of senior lecturer grade and above, one of whom must be conversant with university management;
 - b) a university librarian;
 - c) a registered Architect;
 - d) relevant officers of the Commission; and
 - e) any other professional that the Commission may determine to be necessary.
- (4) All costs associated with the verification and evaluation of resources under this regulation shall be borne by the applicant.
- (5) The Inspection Committee shall prepare a report and submit it to the Commission.
- (6) Where after a full deliberation on the merits of each application the Commission is satisfied that-
- a) The particular 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;

- 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 is likely to attain and maintain standards set out in the schedules on a long-term basis; and
- e) 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 Section 15 of the Universities Act until such time as it is revoked, or until accreditation is granted in the manner set out in Part III.

- (7) A letter of Interim Authority shall confer the powers, rights and privileges as set out in Section 15 of the Universities Act.
- (8) Institutions operating under letter of Interim Authority shall comply with section 16 of the Act.
- (9) An institution operating under Letter of Interim Authority may set up governance organs to include the Council, Senate and Management Board.
- (10) A Letter of Interim Authority issued under this regulation shall be published in the Gazette.

Winding up of a University with a Letter of Interim Authority

- 7. (1) The Cabinet Secretary may, on recommendation of the Commission and by notice published in the Gazette revoke a Letter of Interim Authority if:
 - a) The person or institution named therein has not within four years of issue made substantial progress in respect of the matters set out in regulation 6 (2) or notifies the Commission of his or its intention not to proceed with the establishment of a university, or is, in any event, patently incapable of complying with the standards set out in Part IV;
 - b) In the opinion of the Commission such fundamental changes have since occurred that had such changes been in existence at the time of its deliberations under regulation 8 (1) the letter would not have been issued; or

- c) At any time before the lapse of four years it becomes apparent that the institution named therein is not making any progress, is not likely to make any progress and that its continued existence is not in public interest;
- (2) The Commission shall only recommend revocation of a Letter of interim Authority upon conducting an inspection of the institution.
- (3) In all cases where a letter of interim authority is revoked under this regulation, the Commission shall not entertain any subsequent application by the same person or institution, or in respect of the same or substantially similar proposal within four years of that revocation.
- (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.

Award of Charter

- 8. (1) The Commission may once every year inspect all universities holding a Letter of Interim Authority to confirm the extent to which the university is-
 - a) Upholding standards; and
 - b) Making progress towards charter.
- (2) The Inspection Committee shall be constituted as specified in section 6 (3).
- (3) The Inspection Committee shall compile an Inspection Report and submit it to the Commission.
- (4) Written feedback shall be sent to the institution detailing the issues to be addressed to ensure compliance with the standards of the Commission.
- 9. (1) During the fourth year after granting an institution a Letter of Interim Authority, the Commission shall carry out a final inspection of the university.
- (2) The composition of the Inspection Committee shall be as set out in Section 6(3).
- (3) The Inspection Committee shall prepare an inspection report and submit the same to the Commission.
- 10. Where after full deliberation on the application for award of Charter, and the accompanying inspection report, the Commission is-

- a) Satisfied that:
 - i. the Draft Charter submitted or amended forms a sound basis for the academic and administrative organization of the university; and
 - ii. the university has effectively organized adequate human, physical, financial and other resources into an educational programme comparable to that of similar institutions authorized to operate in Kenya;

The Commission shall recommend to the Cabinet Secretary that the university be awarded a Charter;

- b) Not satisfied in the manner indicated in subsection 10(a) it may recommend to the Cabinet Secretary an extension or revocation of the Letter of Interim Authority in the manner specified in Section 16 of the Act.

11. Where the Commission has made a recommendation for Charter with respect to an institution, it shall compile an accreditation report on the said institution outlining the following:

- a) Historical background and philosophical basis of the university including Vision and Mission;
- b) The accreditation process including the various inspections and the Commission findings;
- c) The Academic Resources available at the time of the final inspection;
- d) The Master Plan and Strategic Plan to ensure continued growth;
- e) Financial resources available at the institution;
- f) Programmes on offer in the institution;
- g) Research and innovation output; and
- h) Final recommendations to the Cabinet Secretary.

12. (1) The Commission, if satisfied, shall submit the Draft Charter and the Accreditation Report to the Cabinet Secretary, together with its written recommendation, for the university to be awarded a Charter.

(2) The Cabinet Secretary, if satisfied, shall submit the Draft Charter and Accreditation Report together with the Commission's and his/her own recommendation, to the President in accordance with section 19 of the Universities Act.

(3) The President may grant the Charter in accordance with Section 19 of the Act.

Variation or Revocation of Charter

13. A charter issued as evidence of accreditation to any university may be varied or revoked in the manner specified in section 22 of the Act.

Accreditation of foreign universities

14. (1) Any foreign university that intends to operate in Kenya shall apply for Accreditation, as a private university in Kenya, in the manner specified in Part III of the Universities Act 2012 and Part II of these regulations.

(2) In addition to meeting the criteria set out in 14(1) above a foreign university operating in Kenya shall ensure that not less than a third of the representation in the board of trustees are Kenya citizen and resident in Kenya.

Preparation of Standards

15. (1) The Commission may from time to time prepare and publish in the Gazette a set of standards - herein referred to as “Commission Standards and Guidelines, 2013” - governing the performance, operations and general conduct of all universities authorized to operate under these Regulations and copies thereof shall be made available at cost to any member of the public desirous of obtaining one.

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

- a) A university as an institution;
- b) Physical facilities;
- c) Academic programme(s);
- d) Library facilities and information resources;
- e) Degree awarding/research institutions; and
- f) Collaborative arrangements.

Declaration of Standards

16. (1) The standards contained in the Schedules are declared to have been prepared and published in accordance with section 5 (1) (c) of the Universities Act and regulation 15 (1) of these regulations.

- (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 paragraph shall be published in the Gazette.

Institutional Quality Audits

17. (1) Every university authorized to operate under these Regulations shall prepare and submit to the Commission-
- a) An annual report, in a prescribed format of its activities in each year of operation; and
 - b) A detailed self-evaluation report, in a prescribed format, every five years on the steps it has taken towards the achievement of the aims and objects for which it was established.
- (2) The Commission shall discuss all reports submitted pursuant to paragraph 17 (1) and may make such comments or give such other instructions thereon for action by the university concerned.
- (3) The Commission shall undertake an institutional quality audit to confirm or otherwise the pronouncements made by the institution in the report in paragraph 17(2). The composition of the Institutional Quality Audit Committee shall include:
- a) at least two academicians of senior lecturer grade and above,
 - b) one person who has experience with university management;
 - c) a university librarian;
 - d) a registered Architect;
 - e) relevant officers of the Commission;
 - f) any other professional that the Commission may determine to be necessary.
- (4) Pursuant to paragraphs 17 (2) and (3) above, and if satisfied that the institution has continued to maintain standards, the Commission shall issue a Certificate of Audit in a prescribed format that shall serve as a seal of quality maintenance and enhancement.
- (5) Where the Commission is not satisfied that the institution has met the regulations as set out in regulation 17(1) the Commission shall send to the institution a detailed report setting out the matters that the institution shall need to address and the institution shall have one year to do so.

- (6) If the matters outlined in the Commission's Quality Audit Report pursuant to section 17(5) are grave in nature as to impact negatively on quality and the institutions is unable or unwilling to resolve them within one year, the institution shall be placed under notice for one year during which no students shall be admitted in any of the programmes.
- (7) For purposes of regulation 17(6) grave violation of standards shall include:
- a) Establishing unauthorized campuses, colleges and learning centres;
 - b) Inadequate academic staff and or resources in programmes on offer;
 - c) Enrollment levels of below 70% of expected optimal enrolment in degree programmes;
 - d) Violation of the governance provisions of the Universities Act 2013
 - e) Mounting of programmes without the approval of the Commission;
 - f) Refusal to abide by lawful directions of the Commission;
 - g) Financial instability for three consecutive years; and
 - h) Any other violation determined by the Commission to be grave and effectively communicated to the institution(s) in the previous six months.
- (8) If after one year the institution satisfies the Commission on all matters set out in paragraph 17(6), the notice shall be lifted in writing and the institution shall be issued with a certificate of Audit.
- (9) If after one year the institution is unable or unwilling to satisfy address the issues raised in paragraph 17(6) the Commission shall recommend the revocation of the Charter of the said institution and the relevant penalties prescribed in the Act shall apply.

Unscheduled Audits

18. Notwithstanding the generality of paragraph 17 the Commission may carry out an audit on any institution as and when it is deemed necessary.

PART III - ESTABLISHMENT OF A TECHNICAL UNIVERSITY

Eligibility

19. A national polytechnic shall apply, on the recommendation of the sponsor, to the Commission to be declared a Technical University.

Conditions for declaration

20. An institution that is to be declared technical university shall satisfy the following criteria.

- a) The institution shall be offering programmes in applied science that lead towards application and practice;
- b) The programmes on offer shall have a direct link to the needs of the labour market;
- c) The institution shall show evidence of institution-industry linkages;
- d) Technologies in use at the institution shall be current and/or upgradable;
- e) The key fields of technology (Technical Engineering, Health Technology, Agricultural Technology, Social and Commercial Technology, Computing etc) envisaged in a Technical university, and any other field of technology of national importance, shall be adequately represented;
- f) The institution shall show evidence of requisite staff and other academic resources to support the technical programmes; and
- g) The institution shall be predominantly technology oriented;

Procedure for declaration

21. (1) An institution shall apply by submitting to the Commission Form ACC 3 set out in the first schedule duly completed and certified by the chief executive or a person competent to do so.

(2) An application for accreditation shall, in addition to any other detail the Commission may in each case specify or request be accompanied with:

- a) A draft Charter containing the particulars required to be supplied by university under section 13 of the Universities Act 2012; and
- b) A self-evaluation report *inter alia* outlining:-
 - i. The philosophy and technical orientation of the institution;
 - ii. A list and academic qualifications of all members of staff on or expected to be on full-time employment with the institution;

- iii. A statement on the library facility and resources which have been developed for each programme being and to be offered at the institution;
- iv. A statement of the financial resources that are available for the exclusive use of the institution, certified by a person qualified to practice under the Accountants Act;
- v. An inventory of the physical facilities including land that are available for the exclusive enjoyment of the institution;
- vi. Student enrolment and services;
- vii. Development plans; and
- viii. Research orientation and outputs.

22. (1) The Commission shall, before considering an application under regulation 21 appoint an Inspection Committee with the power to:

- a) Make enquiry into and for the purposes of ascertaining the veracity or otherwise of the particulars submitted under regulation 21(2);
- b) Make enquiry into the general academic, research, administrative and social affairs of the institution and in particular confirm compliance to the criteria set out in regulation 21;
- c) Make such other investigation of relevance to the application as it may deem necessary.

(2) The Committee shall comprise of:

- a) A Professor or Associate Professor of a technical discipline, who shall also be conversant with university management, as the Chair.
- b) at least two academicians of senior lecturer grade and above, in technical university education;
- c) a university librarian;
- d) a registered Architect;
- e) relevant officers of the Commission; and
- f) any other professional that the Commission may determine to be necessary

(3) The inspection committee shall submit a factual and evaluative report to the Commission.

23. (1) As soon as the report of the inspection committee appointed under regulation 22(2) is received, the Commission shall consider all documentation relevant to the application and shall indicate what revisions or amendments, if any, the institution concerned should be required to make before the merits thereof are assessed.

(2) Where after a full deliberation on the merits of each application the Commission is-

a) Satisfied that:-

- i. The draft charter submitted forms a sound basis for the academic and administrative organizations of the university;
- ii. The institution has effectively organized adequate human, physical, financial and other resources into an educational programme comparable to that of similar institutions authorized to operate in Kenya;
- iii. A specific and unique mandate in teaching and/or research, in a technical area, is contained in the Charter;
- iv. The mandate in teaching and/or research is critical to national development or security; and
- v. The institution satisfies the criteria set out in regulation 21.

It shall recommend to the Cabinet Secretary that the institution be declared a Technical University.

b) Not satisfied in the manner indicated in subsection 23 (2) (a), it shall decline to recommend declaration of the Technical University, provided that the Commission shall not accept or entertain any application under this paragraph if that application has twice been considered and declined.

(3) Where the Commission has recommended declaration of a Technical University as per regulation 23(2) above, it shall compile an accreditation report, as provided for in section 11 of these regulations, and submit it to the Cabinet Secretary.

Declaration of a Technical University

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

(2) The President, if satisfied, may declare the institution to be a Technical University in accordance with the provisions of section 25 of the Universities Act 2012.

Regulation of Technical Universities

25. The Commission shall supervise Technical Universities in accordance with the supervision procedures outlined in the Universities Act 2012 and section 17 of these regulations.

Rights of a Technical University

26. Any institution declared a Technical University shall have the rights set out below.

- a) All the rights of an accredited university outlined in section 20 of the Universities Act 2012;
- b) The right of access to such enhanced public funding as the Cabinet Secretary in consultation with the Universities Funding Board shall decide; and
- c) The right to have approval of its new programmes prioritized by the Commission.

Variation or revocation of Charter of a Technical University

27. A charter issued as evidence of accreditation to any university may be varied or revoked in the manner specified in section 22 of the Universities Act 2012.

PART IV - ESTABLISHMENT OF A SPECIALIZED DEGREE AWARDING INSTITUTION

General provision

28. Unless otherwise provided, the institutional regulations will apply to institutions approved for awarding degrees as they apply to universities.

Eligibility and Application

29. These regulations shall apply to any public institution that has been in existence for a least ten (10) years and whose mandate is of strategic national importance.

30. Any institution eligible for establishment a specialized degree awarding institution shall submit to the Commission an application on Form ACC/CUE/4 set out in the first schedule.

31. The application shall be accompanied by a proposal and appendices as set out in regulation 5.

Criteria for declaration

32. An institution that is to be declared a specialized degree awarding institution, shall satisfy the following. It shall:

- a) Be a public institution offering programmes considered to be of national strategic importance;
- b) Have facilities for specialized training of human resource at degree level for a specific niche commensurate with the national development agenda;
- c) Have existed in the field for at least 10 years;
- d) Have had linkages with universities for at least 6 years in specialized research and training;
- e) Have a critical mass of qualified staff in specific discipline of national importance and have been involved in institution-university and/or institution-industry linkages for at least six (6) years; and
- f) Offer programmes limited to the mandate and philosophy of the established institution.

Accreditation process

33. The provisions of regulations 23 and 24 on inspection of universities shall apply *mutatis mutandis* to a specialized degree awarding institution.

34. (1) As soon as the report of the inspection committee appointed under regulation 22 is received, the Commission shall consider all documentation relevant to the application and shall indicate what revisions or amendments, if any, the institution concerned should be required to make before the merits thereof are assessed.

(2) Where after a full deliberation on the merits of each application the Commission is-

a) Satisfied that:-

- i. The institution satisfies the criteria set out in regulation 32;

- ii. The draft charter submitted forms a sound basis for the academic and administrative organizations of the university;
- iii. A specific and unique mandate in teaching and/or research, in a specialized area, is contained in the draft Charter;
- iv. The institution has effectively organized adequate human, physical, financial and other resources into a quality educational programme; and
- v. The mandate in teaching and/or research is critical to national development or security.

It shall recommend to the Cabinet Secretary that the institution be declared a Specialized Degree Awarding Institution;

- b) Not satisfied in the manner indicated in subparagraph (a), it shall decline to recommend declaration of a specialized degree awarding institution, provided that the Commission shall not accept or entertain any application under this paragraph if that application has twice been considered and declined.

(3) Where the Commission has recommended establishment of a Specialized degree awarding institution as per regulation 34 (1) (a) above, it shall compile an accreditation report, as provided for in section 11 of these regulations, and submit it to the Cabinet secretary.

35. (1) On receiving a recommendation from the Commission for the establishment of a Specialized Degree Awarding Institution, the Cabinet Secretary shall submit the same to the President.

(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 Institution in accordance with the provisions of section 24 of the Universities Act 2012.

Supervision

36. The Commission shall supervise Specialized Degree Awarding Institution in accordance with the supervision procedures outlined in section 17 these regulations.

Rights of a Specialized Degree Awarding Institution

37. Any institution declared a Specialized Degree Awarding Institution shall have the rights set out below.

- a) All the rights of an accredited university outlined in section 20 of the Act;
- b) The right of access to such enhanced public funding as the Cabinet Secretary in consultation with the Universities Funding Board shall decide; and
- c) The right to have approval of its new programmes prioritized by the Commission.

Obligations of a Specialized Degree Awarding Institution

38. The provision of regulation 20 shall apply *mutatis mutandis* to a Specialized Degree Awarding Institution as they apply to a regular university under that regulation.

Variation or revocation of Charter of a Specialized Degree Awarding Institution

A charter issued as evidence of accreditation to any university may be varied or revoked in the manner specified in section 22 of the Act.

PART V - ACADEMIC PROGRAMMES

Launch of Academic Programmes

39. (1) Universities shall launch new academic programmes and submit the same for review to the Commission for University Education in accordance with programmes standards.

(2) For purposes of regulation 40(1), the Commission shall:

- a) Accredit the academic programmes of universities;
- b) Evaluate the proposed programmes, employing the use of qualified peers in accordance with the criteria set by the Commission and, ensuring that the said university has met the various requirements and academic standards prior to the programmes being launched;
- c) Ensure the evaluation process entails:
 - i. Assessment of curriculum for conformity to set guidelines of curriculum presentation;

- ii. Evaluation of curriculum by peers for adherence to set standards and determination of cohesiveness, breadth, depth, appropriateness and relevance of the degree programme;
 - iii. Consideration of peer evaluation reports by appropriate panels;
 - iv. Verification of appropriateness and adequacy of academic resources for the support of the programme by peers;
 - v. Revision of the programme by the university, based on feedback from the Commission; and
 - vi. Consideration for approval by the Commission.
- (3) The evaluation of a proposed academic programme shall be terminated if the institution fails to meet the Commission's requirements within a period of four years;
- (4) Academic programmes of proposed universities and universities operating with a Letter of Interim Authority shall only be launched once the entire evaluation process is complete;
- (5) A chartered university shall be granted provisional authority to launch an academic programme as the evaluation process progresses provided that:
- a) The university has a functional and approved Internal Quality Assurance (IQA) system, which shall include an IQA policy, structure, and an established and filled position for a Quality Assurance Officer;
 - b) The University has institutionalized regular peer review of its academic programmes and has submitted to the Commission a report on the same;
 - c) The Vice Chancellor has submitted to the Commission, for evaluation, a properly designed curriculum in accordance with the set guidelines;
 - d) The Vice Chancellor of the university has signed the commitment form indicating that he/she -
 - i. Is responsible for ensuring that the laid down process of curriculum design and development has been adhered to; and
 - ii. Will ensure that the report on academic resources to support the academic programme is up to date and available at all times.
- (6) The curriculum in 40(5) shall be accompanied by-

- a) A needs assessment report on the proposed programme;
 - b) Duly signed minutes of the Senate Meeting at which the proposed programme was approved;
 - c) A comprehensive report on available and accessible academic resources for the support of the programme that shall include; academic facilities and infrastructure, equipment and learning materials, core-texts and journals and academic and technical staff.
- (7) In the case of a chartered university, the Commission shall verify available academic resources for the support of the given academic programme before the end of the second year after the launch of the programme. The programme shall be considered for full accreditation once the University has satisfactorily met the academic requirements of the programme.
40. The Commission shall only approve a professional programme when it is confirmed that–
- a) The requisite basic programmes, on which it is dependent, are on offer at the said university; and
 - b) The legislated relevant professional body has granted its approval for the programme.
41. A university shall have successfully graduated an appropriate number of cohorts of the lower level academic programme before proposing a higher level academic programme. In particular:
- a) A university shall have successfully graduated four (4) cohorts of a similar undergraduate programme before it can propose and launch a Master’s programme in the same area of study; and
 - b) A university shall have successfully graduated at least three (3) cohorts of a similar Masters-level programme before it can propose and launch a doctorate-level programme in the same area of study.

Quality Assurance Systems for Academic Programmes

42. (1)The Commission is the external quality assurance agency of university education in Kenya. However, universities have the primary responsibility for internal quality assurance of their academic programmes.

(2) Each university shall institute its own internal quality assurance policy, systems and mechanisms, in line with the Commission's prescribed guidelines in the schedules.

(3) Each university shall have a programme development team that guides its programme development and ensures that the university's proposed curricula have gone through clear internal processes and have met the Commission's standards of curriculum development prior to being presented to the Senate of the university, and thereafter, to the Commission for evaluation and consideration.

(4) Each university shall undertake a needs assessment/market survey/situational analysis, involving relevant stakeholders, for proposed programmes.

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

- a) Departmental Board;
- b) Faculty / School Board; and
- c) The Senate

(6) Each university shall submit to the Commission a five (5) year peer review plan and an annual report on the status of its academic programmes.

(7) Each university shall review its academic programmes at the end of every cycle of the programme in accordance with its quality assurance policies.

(8) Each university shall carry out self-assessment of its programmes and submit a report on the same to the Commission for purposes of external review.

Submission of Academic Programmes by Universities

43. (1) Universities shall submit new programmes to the Commission for accreditation at a stipulated time and fee as provided in the schedules;.

(2) A university shall submit such number of programmes as provided in the schedules.

(3) A revised academic programme shall be submitted to the Commission and considered new, thus warranting evaluation, if its content is over 30% different from that in the original curriculum.

Evaluation of Academic Programmes

44. (1) To ensure the quality of academic programme, the Commission shall engage the services of qualified peer reviewers.
- (2) A panel of peer reviewers shall evaluate a programme based on standards and guidelines as provided in the schedules.
- (3) The peer reviewers shall have the appropriate academic qualifications and experience in the field in focus.
- (4) The peer reviewers shall be trained in quality assurance.
- (5) The peer reviewers shall be drawn from:
- a) Universities, in which case, they shall:
- i. Be PhD holders in the relevant area;
 - ii. Be in the rank of at least a Senior Lecturer; and
 - iii. In special cases, be at least a Senior Lecturer and holder of a Master's degree in the relevant area.
- b) Industry and Professional bodies, in which case, they shall be:
- i. Holders of a Master's degree in a relevant field with more than five (5) years working experience in the field at senior position; and
 - ii. Members of a professional body where applicable, with appropriate professional license.

PART VI - FOREIGN UNIVERSITY COLLABORATING WITH A LOCAL UNIVERSITY

Application

45. (1) A university in Kenya collaborating or intending to cooperate with a foreign university in the provision or offer of its academic programme or joint programmes of instruction, shall apply to the Commission for authority for inter-university co-operation and subjected to the same regulations and standards as those that apply to establishment and accreditation of universities in PART III of the Act.

- (2) Except as may be expressly enacted to the contrary, no university shall cooperate with a foreign university in offering academic programmes or joint programmes after the commencement of these Regulations without the authority of the Commission.
- (3) Any university wishing to apply for inter-university collaboration under this regulation shall do so by submitting to the Commission an application in Form **CUE / IUC /1** and a duly completed Co-operation Oversight Review Form set out in the First Schedule.

Local Collaborating University

46. (1) The local collaborating university shall have been established and accredited by the Commission in accordance with the laid down Regulations, Standards and Guidelines set out in the Schedules.
- (2) Specifically, the collaborating university shall:
 - a) Provide the requisite academic resources to support the programme;
 - b) Where applicable, evidence of approval by the relevant professional body.

Foreign Collaborating University

47. The collaborating foreign university shall:
 - a) Be accredited/recognized in the country of origin;
 - b) Have the programme under collaboration on offer; and
 - c) Have graduated at least one cohort of students in the programme.

Programme(s) under Collaboration

48. The programme(s) offered under inter-university collaboration shall:
 - a) Be accredited/recognized in the country of origin;
 - b) Shall not comprise more than 10% of the programmes on offer in the local university;
 - c) Be of strategic national importance or meet a specific market niche.

Collaboration Agreement

49. Every collaboration shall be governed by a written and duly signed Memorandum of Agreement between the collaborating institutions. The details of collaboration shall include:
 - a) The nature of the collaboration;

- b) A statement on the collaborating institutions;
- c) The university which will award the degree;
- d) Rights and obligations of the students;
- e) Rights and obligations of each of the two institutions;
- f) Financial arrangements; and
- g) Variation and exit mechanisms.

Students under Collaboration

50. Students shall be admitted into the programme offered under collaboration using the existing admission criteria used to admit students into the local university as determined by the Kenya Universities and Colleges Central Placement Service.

Collaboration Audit Committee

51. Upon receipt of the application referred to the Regulation hereinbefore, the Commission shall appoint a Collaboration Audit Committee which shall have powers to:

- a) Verify the particular of items submitted under the Regulation 51;
- b) Verify the academic resources, management and administrative and social affairs pertinent to the programme(s) of the local institution;
- c) Make such other follow-up investigations relevant to the collaboration processes it may deem necessary.
- d) The Collaboration Audit Committee, shall comprise:
 - i. at least two academicians of senior lecturer grade and above, one of whom must be conversant with university management;
 - ii. a university librarian;
 - iii. relevant officers of the Commission;
 - iv. any other professional that the Commission may deem necessary.

Approval of Collaboration

52. (1) The Collaboration Audit Committee, shall submit a factual and evaluative report of its findings under regulation 57 to the Commission.

- (2) The Commission, upon confirmation that the parties to the contractual agreement referred to in regulation 55, meet conditions set out under these Regulations, shall approve the application and grant authority to cooperate in Form **CUE/AUC/2** set out in the Schedule upon such terms and conditions as it may deem fit.
- (3) The Commission shall by notice in the gazette publish the name of the University granted authority to cooperate and the particulars of the programme in respect of which the authority is granted.

Register

53. The name of the institution which has been granted authority to cooperate and partner university shall be entered in the register maintained by the Commission.

Revocation of Collaboration

54. The Commission may, on application of any of the collaborating partners or on its own motion revoke such authority before the expiry of the term of the collaboration if:

- a) It is of the opinion that such revocation is in the interest of education in Kenya;
- b) Any of the institutions is in breach of the terms and conditions upon which the Certificate of Authority to Cooperate was issued;
- c) The institutions is no longer offering the programme under collaboration for which the letter was issued;
- d) Any of the institutions has ceased being an accredited/recognized university; or
- e) Such changes have occurred which if they were in existence at the time of application for the Certificate of Authority to Cooperate, the Authority to Cooperate would not have been granted.

Notice to Revoke authority to Collaborate

55. (1) The Commission may revoke a Certificate of Authority to collaborate by issuing a notice in writing to the university and the university accorded opportunity to be heard. The notice shall outline the issues the institution will need to address.

- (2) If within six months the university shall not have addressed the issues highlighted in (1) above, THE commission shall issue a notice revoking the Certificate of Authority to Collaborate.
- (3) Where a certificate of authority to cooperate has been revoked:
 - a) It shall not affect the academic awards granted by the institution before the date of revocation, or
 - b) The local university shall make necessary arrangements for the ongoing students complete their programme.

PART VII - COLLABORATION BETWEEN FOREIGN UNIVERSITIES AND LOCAL TERTIARY INSTITUTIONS

Conditions for Collaboration

56. (1) Collaboration shall be between a foreign university and a local tertiary institution only.
- (2) A foreign university shall be allowed to collaborate with a local tertiary institution in offering only two programmes at bachelor's degree level only.
 - (3) The foreign university institution shall be allowed to collaborate with a maximum of two local institutions.
 - (4) A foreign university shall not collaborate with an institution that already has collaboration with two other universities.

Application procedure

57. (1) A foreign university shall apply to the Commission for grant of authority to collaborate with a tertiary institution in offering university academic programme(s) in form **CUE/ACC/2** in the attached schedules.
- (2) The application referred to in Sub-regulation (1) shall be submitted together with copies of the:
 - a) Proposed contract for collaboration between the foreign university and the local institution;
 - b) Academic programme(s) to be offered under collaboration;

- c) Certificate of registration of the local institution;
 - d) Accreditation status of the foreign university.
- (3) The contract specified in regulation 2 (a), shall specify:
- a) Terms of the contract;
 - b) Mode of teaching;
 - c) Assessment and awards system in respect of the programme(s) offered;
 - d) Rights and obligation of the collaborating institutions;
 - e) Academic resources; (physical, library, human and financial) devoted to the programme(s) in the local institution in accordance with Commission standards;
 - f) Management and administration of the programme;
 - g) The financial arrangements of the collaboration;

Collaboration Review Panel

58. (1) Upon receipt of the application referred to the Regulation herein before, the Commission shall appoint a Collaboration Review Panel which shall have powers to:

- a) Assess and ascertain the veracity of the particular items submitted under the Regulation herein above;
- b) Verify the academic resources, management and administrative and social affairs pertaining to the programme(s) of the Post-Secondary School Institution;
- c) Make such other follow-up investigations relevant to the collaboration processes it may deem necessary.

(2) The Collaboration Review Panel membership shall include:

- a) A specialists in the discipline under review, and
- b) A university librarian;
- c) A registered Architect;
- d) Relevant officers of the Commission;
- e) Any other professional that the Commission may deem necessary.

(3) The Collaboration Review Panel shall submit a factual and evaluation report of its findings under Sub-regulation (1) to the Commission.

Grant of Authority to Collaborate

59. The Commission, upon confirmation that all the requirements have been met may grant its authority to collaborate in Form **CUE/AAC/2** set out in the Schedules upon such terms and conditions as it may deem fit.
60. The Commission shall publish in at least three newspapers as prescribed in section 28(4) of the Act.
61. The Commission shall maintain a register of the institutions granted authority to collaborate with other institutions.

Revocation of Collaboration

62. The Commission may, on application of any of the collaborating partners or on its own motion revoke such authority before the expiry of the term of the collaboration if:
- a) It is of the opinion that such revocation is in the interest of education in Kenya;
 - b) Any of the institutions is in breach of the terms and conditions upon which the Certificate of Authority to Collaboration was issued;
 - c) The institutions is no longer offering the programme under collaboration for which the certificate was issued;
 - d) Any of the institutions has ceased being an accredited/recognized university;
 - e) Such changes have occurred which if they were in existence at the time of application for the Certificate of Authority to Collaborate, the Authority to Collaborate would not have been granted.

Notice to Revoke Authority to Collaborate

63. (1) The Commission may revoke a Certificate of Authority to Collaborate by issuing a notice in writing to the university and the university accorded opportunity to be heard. The notice shall outline the issues the institution will need to address.
- (2) If within six months the university shall not have addressed the issues highlighted in (1) above, the Commission shall issue a notice in the gazette revoking the Certificate of Authority to Collaborate.
- (3) Where a certificate of authority to collaborate has been revoked:

- a) It shall not affect the academic awards granted by the institution before the date of revocation, or
- b) The local university shall make necessary arrangements for the ongoing students complete their programme.

PART VIII - LICENSING OF STUDENT RECRUITMENT AGENCIES AND ACTIVITIES OF FOREIGN UNIVERSITIES

Application

64. (1) Any Student Recruiting Agencies intending to operate in Kenya on behalf of a foreign university shall apply to the Commission for a License.
- (2) Any foreign university intending to undertake student recruitment activities in Kenya shall apply to the Commission for a License.
- (3) For purposes of regulation 65(1) and (2), agencies of foreign universities among others include:
- a) Local agencies for student recruitment into foreign universities;
 - b) Agencies, for advertising, exhibiting and marketing foreign universities; and
 - c) Foreign universities directly advertising, exhibiting and or recruiting students.
- (4) The application referred to in sub-regulation (1) and (2) shall be in Form **CUE/ACC/1**, set out in the Schedules.
- (5) The Commission will from time to time review regulations governing student recruitment.

Conditions for operating a Student Recruitment Agency

65. For a body to be licensed as an agency, it must:
- a) Be registered under the laws of Kenya;
 - b) Must be a legal entity in their country of origin
 - c) Represent accredited/recognized universities in their country of origin;
 - d) Have a physical address; and
 - e) Produce evidence of a memorandum of understanding with the university they represent.

License

66. (1) Upon receipt of duly completed application referred to in Regulation 65 the Commission may issue license which will be valid for one year.

(2) The license in regulation 67(1) may be renewed subject to adhering to the conditions set out by the Commission.

(3) The license in regulation 67(1) may be cancelled if in the opinion of the Commission the agency has violated the terms and conditions under which it was issued.

Effects of license

67. A license to operate as an agency shall empower the holder to:

- a) Recruit qualified students for specified foreign universities;
- b) Carry out marketing and liaison activities for the foreign universities;
- c) Provide student services; and
- d) Advertise their services.

Obligations of an agency

68. An agency licensed to operate under these regulations shall be obligated to:

- a) Recruit students who are qualified as per the admission criteria set out by placement service;
- b) Place students into accredited/recognized institution;
- c) Carry out due diligence to establish the accreditation/recognition status of the institutions and 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.

Register

69. (1)The Commission shall maintain a register and publish licensed agencies in three newspapers as set out in section 28(4) in the Act.

Monitoring of agencies

70. The Commission may inspect an agency as and when it deems necessary.

PART IX - RECOGNITION AND EQUATION OF QUALIFICATIONS AWARDED BY FOREIGN UNIVERSITIES AND INSTITUTIONS

Scope of the Service

71. Holders of degrees diplomas and certificates conferred or awarded by foreign universities and degree awarding institutions may seek recognition and or equation of their qualifications from the Commission.
72. The Commission may recognize and or equate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the standards and guidelines set by the Commission from time to time as per the Universities Act 2012.
73. The Commission does not award any qualifications through the services provided under regulation 73.

Principles of recognition and equation

74. These regulations aim at making assessment of foreign qualifications more consistent and transparent and to assure all applicants a fair consideration of their application. In this respect, the following principles shall apply.
- 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. They shall be reviewed periodically with a view to increasing transparency, taking account of developments in the education field;
 - c) In the assessment of the foreign qualifications concerning higher education, the international and national legal frameworks shall be applied in a flexible way with a view of making recognition possible;
 - d) In cases where the decision is different from the recognition requested by the applicant, including cases where no form of recognition is possible, the Commission shall inform the applicant of the reasons for the decision reached and his or her possibilities for appealing against it;

- e) While the aim to assess the foreign qualification in qualitative terms, the assessment cannot be undertaken without to some extent relying on both qualitative and quantitative criteria. Their use shall be limited to cases where quantitative criteria are relevant to quality and may supplement qualitative criteria; and
- f) Recognition shall be granted wherever possible, unless there is a substantial difference in terms of content, profile, workload, quality and learning outcomes with similar programmes available locally.

Evaluation of Foreign Qualifications

75. The Commission shall be evaluate, recognize and equate foreign degrees, diplomas and certificates conferred or awarded by foreign universities and institutions. In evaluation of foreign qualifications presented for equation and recognition the Commission shall:

- a) Establish the status of a qualifications presented taking into account the status of the institution and/or programmes through which the qualifications were awarded;
- b) Establish whether the higher education institution belongs to the countries operating under the auspices of the international and regional conventions such as the Lisbon Recognition Convention and the Arusha Convention;
- c) Take due account the established quality assurance system including the system of formal evaluation of higher education institutions and programmes in the originating country;
- d) Take into account past practice in similar cases of recognition, in order to ensure consistency;
- e) Identify the qualification in the system of the country in which recognition is sought which is most comparable to the foreign qualification. Where available, the Commission shall also refer to the National Qualifications Framework and Regional Qualification Frameworks;
- f) Consider in a flexible way, differences in the content, profile, workload, quality and learning outcomes. In such cases the evaluation shall seek to establish alternative recognition that shall include:
 - i. Recognition of the foreign qualification as comparable 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;
- g) Where formal rights are attached to a certain foreign qualification in the home country, the qualification shall be evaluated with a view to giving the holder comparable formal rights in Kenya, in so far as these exist and they arise from the learning outcomes certified by the qualifications;
- h) Where qualifications were issued several years ago and/or under previous higher education structures the Commission shall consider the following:
 - i. The extent to which a qualification is outdated will depend on the field concerned as well as activities undertaken by the applicant since the qualification was issued;
 - ii. Where qualifications were issued under previous structures, the CUE shall refer to the status of the qualification of the issuing country. If a national qualifications framework exists in the issuing country, it will be established whether previous qualifications are included in it;
 - iii. Older qualifications shall be recognized along the same lines as the more recent and similar qualifications issued in Kenya taking into account the purpose for which recognition is sought. Relevant work experience will be considered for dated qualifications; and
 - iv. Learning outcomes, the quality of the programme and its duration as some of the indicators of the level of achievement reached at the end of the programme.
- i) The evaluation shall take into account prior learning, credit transfer, different forms of access to higher education, joint degrees and lifelong learning in recognition of some academic qualifications which are awarded in short duration. This will be done without diminishing the learning outcomes and a decision not to grant recognition shall not be motivated by duration alone;

- j) Consider previous level of education only where these levels have a serious 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; and
- k) In undertaking the evaluation of qualifications the Commission will apply know-how and best professional skills and take note of all relevant information. Where adequate information on the learning outcomes is available, this shall take precedence in the evaluation over consideration of the education programme which has led to the qualification.

Criteria for Recognition of Qualifications

76. Evaluation of qualifications shall take into account the criteria for recognition as stipulated below:

- a) Minimum entry requirements for a course leading to a similar award in Kenya, or equivalent qualifications and experience as prescribed in the admission criteria of the university;
- b) Applicants for recognition of university diploma qualifications must have obtained either:
 - i. Kenya Certificate of Secondary Education (KCSE) with a minimum aggregate performance of C or above, or equivalent qualifications; or
 - ii. 'O' level Division II, or
 - iii. "A" Level Certificate with at least one principal pass, or
 - iv. A KCSE with a minimum D+ or above with a Post-Secondary School certificate with credit from a recognized institution in the area of study.
- c) Applications for recognition of Bachelors Degree qualifications must have obtained either:
 - i. KCSE with a minimum aggregate grade of C+ and above or its equivalent, or equivalent qualifications; or
 - ii. Diploma from a recognized tertiary institution with a minimum aggregate grade at credit level, or
 - iii. KCSE Mean Grade C (plain) or equivalent plus a Diploma from a recognized institution, or

- iv. 'O' Level Division II or equivalent plus a Post-Secondary Certificate and a Diploma from a recognized institution, or
 - v. Mean grade C plain at KCSE and a Pre-University course of at least one academic year; or
 - vi. 'A' Level with two Principal passes and a subsidiary.
- d) Applicants for recognition of Master's Degree qualifications must have obtained a Bachelor's degree;
 - e) Applicants for recognition of Doctorate Degree qualifications must have obtained a Master's degree.

Criteria for equation of qualifications

77. The evaluation of qualifications shall take into account the criteria for comparability as stipulated below:

- a) Previous background or achievement before enrolling for the qualification;
- b) Duration of study and credit hours for a given qualification;
- c) Content of what is studied and length of time devoted to the components of the content (academic transcripts must be produced in support of this). This shall include course units, lecture hours and credits obtained during the course;
- d) The minimum core competencies and core programme learning outcomes in the programme of study;
- e) The number of course units permissible to be given credit transfer as a percentage of the total required course units for the whole programme;
- f) The stage reached in a given programme of study which may be considered against the national qualifications framework which shall be stipulated by the government from time to time;
- g) In case of professional courses, whether the candidate is registered to practice in the country of origin.

PART X - DATA ON UNIVERSITY EDUCATION

78. Universities shall submit to the Commission on an annual basis data on university education in a prescribed format which shall include:

- a) Student data;
- b) Staff data;
- c) Programmes and time table;
- d) Research and publications; and
- e) Linkages and collaborations

PART XI - GENERAL PROVISIONS

Fees

79. The fees chargeable for services rendered under these regulations shall be determined by the Commission from time to time.

Penalties

80. (1) A person who commits an offence under any provisions of these Regulations shall be liable to penalties as set out in the Universities Act No. 42 of 2012.

(2) A person who, without the written consent of the Commission, uses the name of the Commission in furtherance of or in connection with any advertisement for any trade, business, calling or profession, commits an offence and shall be liable penalties set out in the Universities Act No. 42 of 2012.

Appeals

81. (1) 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 desires to question that act or decision, or any part of it may, within thirty days of the date of such act or decision, appeal to the:

- a) Commission which shall review and decide on the matter in question; and
- b) Cabinet Secretary, if not satisfied with the decision of the Commission who may give such orders or instructions as may be deemed necessary.

- (2) Notwithstanding the provisions of paragraph (1) the Cabinet Secretary may not make a final decision on any appeal under this regulation without further reference to the Commission.

Transitional Arrangements

82.

- (1) Any foreign university which at the commencement of these Regulations is providing programmes in collaboration with a local university or tertiary institution shall, within six months from the date of commencement of the Regulations, apply to the Commission for recognition of the collaboration.
- (2) Any local university which at the commencement of these Regulations is providing programmes in collaboration with a local tertiary institution shall, forthwith cease admissions of new students into the programmes under collaboration.
- (3) Any agency which at the commencement of these Regulations is recruiting students into foreign universities, shall, within six months from the date of commencement of the Regulations, apply to the Commission for licensing under these Regulations.
- (4) Any university, being a holder of Letter of Interim Authority or Certificate of Registration that was in existence before the commencement of these Regulations shall apply to the Commission and be assessed for award of Charter in the manner prescribed under these Regulations, provided that:
 - a) The Letter of Interim Authority or Certificate of Registration has been held for at least three years; or
 - b) The Letter of Interim Authority or Certificate of Registration has not been revoked.
- (5) Any university college, campus-college (satellite campus and learning center) that was in existence before the enactment of the Universities Act 2012 shall be audited by the Commission to assess their conformity set out in Schedules within 24 months.