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Kiboij, K.L and Wosyanju M. G.

Abstract

Higher education in Kenya has witnessed a plethora of challenges ranging from unplanned growth, unrest, and reports of corruption, often leading to doubts about the ability of these institutions to deliver on their mandates. This paper sought to establish whether the existing set up of higher education and its leadership at the university are adequately structured and prepared to withstand the demands of a dynamic social, political and economic environment. We analysed literature on higher education and identified themes of critical issues. The findings indicate that while adequate provisions outline a clear management structure, international, national and local dynamics impinge on the policy process to render the leadership more or less unable to control some critical policies that impact higher education. This is particularly on matters of funding. Power struggles and national politics cascade to the university level, impacting negatively on leadership. Both institutional and academic autonomy is compromised while negative ethnicity, poor management of resources and corruption as well as an emphasis on academic qualification vis a vis technical competence in critical leadership positions such as those on resource management continue to adversely affect the delivery of services.

Keywords: Leadership, Governance, Higher Education, Power, Management, Resources

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Introduction

The history of higher education in Kenya has its origins in the establishment of Makerere, a small technical college in Uganda in 1922 (Chacha, 2004). From a small technical college, it gradually expanded and admitted students from East Africa including Kenya, and the then Tanganyika (Chacha, 2004). It began offering the University of London's degree programmes and certificates in 1949 and was, for many years, the only higher-level institution in East Africa. It was then referred to as the University College East Africa (Chacha, 2004). In 1963, the college was upgraded and named the University of East Africa, with three constituent colleges in the three East African countries.

In Kenya, the former Royal Technical College that was established by the Asian community in 1956 became a constituent college. The University of Eastern Africa offered the University of London's degree programmes and certificates until 1966. In 1970, the University of East Africa was split to create an autonomous university in each of the three countries, marking the establishment of the first public university in Kenya, the University of Nairobi (Chacha, 2004; Jowi, Kiamba & Some, 2008). The growth of University Education in Kenya has been quite rapid and by 2015, there was a total of 70 institutions as tabulated below.

Table 1*Registered Institutions of Higher Learning as at 2015*

Type of Institution	No. in 2015
1. Public Chartered Universities	23
2. Public University Constituent Colleges	10
3. Private Chartered Universities	17
4. Private University Constituent Colleges	05
5. Private Institutions with Interim Letters of Authority	14
6. Registered Private Institutions	01
TOTAL	70

Source: Commission for Universities Education

This rapid growth has come with numerous challenges revolving around governance and leadership and has impacted the mandates that this paper examines. National and institutional efforts have been initiated to address the sharp demand for higher education against a backdrop of diminishing financial support from government and development partners. For example, the Higher Education Loans Board (H. E. L. B.) was created by the government while the Privately Sponsored Students Programme (P. S. S. P) was introduced by universities to mitigate funding issues.

Streamlining of higher education has been done through legislation. For example, the Commission for University Education (CUE) was created to regulate standards while the Kenya Universities and Colleges Central Placement Service is mandated to regulate and admit qualified students to universities. The transfer of mandate of appointing Vice

Chancellors and their Deputies from the University Councils to the Public Service Commission is among the reforms that were recently initiated by the Government of Kenya. While worthwhile achievements have been documented generally, negative reports on several issues touching on leadership in the institutions persist in Kenya's mainstream media. These include "...poor financial management, underfunding, ethnicity-driven hiring and blatant violation of the law..." (Muchunguh, 2021). Meanwhile, students and labour unrest often disrupt learning (Lumbe, 2021). Hence the question, is the existing governance of Kenyan Universities and adequately structured and prepared to withstand the demands of a dynamic social, political and economic environment and effectively deliver on its mandate?

Method

The study adopted a desktop research approach whereby literature on governance and leadership in Kenya's higher education was the focus. This was primarily qualitative research where thematic areas on the subject emerged from a critical analysis of the relevant literature. Discussions are based on broad emerging themes that have informed the conclusions.

Theoretical Framework

This study conceptualizes the university as a system that is operating within a wider environment. As a system, it receives inputs from its environment and through internal processes produces outputs for its environment (Hoy & Miskel, 2008). However, being a public institution various interests within and outside impact its operations (Baldridge, 1971) Interest groups, both formal and informal, operating within and outside the university affect both its policy and internal processes and impact their ability to deliver on their mandates. The study, therefore, applied the political model as espoused

by Victor Baldridge to analyse the issues revolving around governance and leadership in the universities.

Findings and Discussion

From the literature, the study was able to map out the following broad thematic areas relating to governance and leadership in universities.

Influence of International Funding Agencies

The emergence of the World Bank and its involvement in Higher Education generally and in Kenya in particular significantly affected University Education in Kenya. Initially, The Bank was meant to fund the reconstruction of Europe after the Second World War, but during the 1960s its focus shifted to the former European colonies (Samoff & Carrol, 2004). In the beginning, it was not interested in funding education. Its impact was felt as a consequence of “the decision to lend for education activities, a substantially increased role in education research and the adoption of policy-based lending” (Samoff & Carrol, 2004). Investment in education became viable because knowledge was seen as important in the eradication of poverty following the advancement of the human capital theory.

The Bank’s lending was policy-based, that is loans intended to support particular policy objectives, commonly associated with macro-economic goals” (Samoff & Carrol, 2004). The Bank was in effect advancing loans on condition that benefiting countries adopt fiscal policies that would open up markets for western countries. In the education sector, the Bank gave conditions that were specific to higher education policy referred then as the Structural Adjustment Programme. When in 1990 the Kenyan government requested the World Bank for a loan to finance its universities that were facing acute shortages in teaching, learning and welfare facilities occasioned by sharp increases in enrolment, the bank rejected the request but in its place suggested the option of the

Universities Investment Project (UIP). This was part of a larger education sector credit that came with stringent conditions affecting the management of higher education in terms of finance and expansion (Samoff & Carrol, 2004). The Bank offered financial support on condition of “introducing charges for tuition, capping enrolment and reforming the student loan scheme” (Samoff & Carrol, 2004).

The Government accepted the conditions which were to take effect immediately in what was referred to as the cost-sharing programme. The conditions were that: (a) Not all university students would automatically benefit from the government loans, but rather that each student would have to demonstrate their level of need to be considered for the loan award; (b) Students would have to pay directly for tuition; (c) Students would have to pay for all other services, such as accommodation, and would have to purchase their meals and all required books and stationery from university outlets; and (d) The out-of-pocket allowances for students which amounted to KShs 5040/= *per* semester would be discontinued (Kiboij, 2013). The perennial inadequate resources that have been associated with poor quality of higher education in Kenya was the result of this policy decision imposed by the Bank. The scenario has never improved and is likely to worsen as a result of another round of radical recommendations for restructuring that has targeted three of Kenya’s largest Universities in the 2021/22 Financial year (Milej, 2021).

The inevitable result of the prescribed funding model would be a drastic reduction of funding which would further exacerbate an already bad situation. The Government of Kenya reduced its funding of higher education in 2020/21 to **USD 1.13 billion**, down from US.D 1.53 billion in the previous year. The funding models imposed by international funding agencies are informed by the perception of education as a business rather than a public service. Indeed, in arriving at the decision the bank had identified several so-called high-risk government enterprises that were making losses which included Kenya Airways,

Kenya Power (K.P.L.C Ltd) as well as three public universities including the University of Nairobi. The inevitable consequence is the drastic under-funding that results in a serious compromise of quality and standards.

National Agencies and Autonomy

Governance Structure of Higher Education in Kenya

Initially, public universities in Kenya were created through various laws, or Acts of Parliament which were specific to each institution so created. However, in 2012, the Kenyan parliament, through the Education Act (2012) repealed all these laws and created one law to oversee the management of all universities. This law provides guidelines for the creation/establishment and management of Universities in Kenya; both private and public. Part V of the Act for example provides a framework for the management of Universities, while part VI gives the general financial provisions. The Act also creates bodies that coordinate and provide monitoring and standardization of universities. These include the Commission for University Education, the Universities Funding Board and the Kenya Universities and Colleges Central Placement Service. The Law gives the Minister of Education the sole authority of supervising and overseeing the overall management and direction of all education matters and the promotion of education as well as the development of all institutions devoted to the promotion of education.

Commission for University Education

The Commission for University Education (CUE) was established by an Act of Parliament and is mandated to play a central role in the planning, development, budget development and maintenance of quality in higher education (Republic of Kenya, 2012). The functions of the Commission for University Education as outlined in section 5 (1) of the Universities Act No. 42 of 2012 include, among others, promoting the objectives of university education; Advise the cabinet secretary on policy relating to university

education; promoting, advance, publicize and set standards relevant in the quality of university education, including the promotion and support of internationally recognized standards; monitor and evaluate the state of university education systems concerning the national development goals; undertake or cause to be undertaken, regular inspections, monitoring and evaluation of universities to ensure compliance with the provisions of this act or any regulations made under section 70; on regular basis, inspect universities in Kenya; approve universities in Kenya; regulate university education in Kenya, and approve and inspect university programmes in Kenya.

The Kenya Universities and Colleges Central Placement Services

The Kenya Universities and Colleges Central Placement Service (KUCCPS) is a State Corporation that provides career guidance and selects students for admission to universities, national polytechnics, technical training institutes and other accredited higher learning institutions for Government of Kenya-sponsored programmes.

KUCCPS was established to coordinate the placement of Government-sponsored students to Kenyan universities and colleges; develop and implement career guidance programmes; disseminate information on available programmes; and collect and retain data relating to university and college placement, among other functions. KUCCPS is the Government of Kenya body that undertakes the selection of students for admission to higher learning institutions for Government sponsorship. The Kenya Universities and Colleges Central Placement Service was established under the Universities Act of 2012.

The Universities Funding Board

This Universities Funding Board was established under section 53 (1, 2 and 3) of the Universities Act of 2012. Its main mandate is to solicit university funds and apportion the funds according to a developed criterion. While this fund is meant to streamline the funding of universities and put an end to the perennial funding issues faced by universities, the corporation

is at an infancy stage. This would then explain the persistence of funding and selected financial challenges that public universities are experiencing.

The outlined structure complete with clearly outlined functions of the bodies created by the Education Act indicates that the establishment is comprehensively conceived to facilitate smooth operations of higher education generally and universities in particular. Supporting government agencies so created have clearly outlined mandates that can ensure maintenance of standards, uniformity smooth operations and delivery of universities' mandates. For example, in discharging its mandate, the Commission for University Education would guarantee the quality of academic programmes in all universities in Kenya. It is therefore safe to conclude that except for the lack of clear funding criteria occasioned by failure to operationalize the universities' funding policy as provided for in the Universities Act, the existing structure at the national level is adequate in ensuring effective delivery in all public universities in Kenya.

Internal Governance Structure

Part V of the Universities Act provides for the internal governance of public universities. This consists of the University Council, the Senate, the University Management Board, the Student Representation and committees that are established. The operationalization of these provisions is provided for by the statutes of individual universities. While there are minor variations from one institution to the other, the governance structure is largely similar with the council providing general policy direction and approval of budgets. The Senate on the other hand is largely responsible for all academic matters while the university management board is responsible for the day to day running as well as policy implementation. While the arrangement should provide an effective framework for ensuring the effective deliverance of their mandates studies have revealed that leadership and power dynamics go beyond this simple structure and both internal and external interests, using various tactics to gain leverage often adversely affect the operations of such organizations. This explains the instability often witnessed in

universities in the form of student and labour unrest as well as the fights witnessed during appointments of senior office holders.

Institutional Autonomy and Academic Freedom

In analysing the national structure of higher education, the issue of support and facilitating adequate leeway, or freedom to deliver their mandates; primarily research and teaching invariably emerge. Institutional autonomy is important as far as a university should be able to determine its objectives and determine how it achieves these objectives. Academic freedom on the other hand has to do with a lecturer's leeway in conducting research and disseminating his findings without fear of consequences associated with the findings. The two are important for any higher education institution but with caution not to insulate students against other teachings and to the extent that the institutions' research agenda is responsive to societal needs (Sifuna, 2012). While this is provided for in the Universities Act (Republic of Kenya, 2012) and pronouncements are made in support of autonomy and academic freedom, the reality is far from the truth. To date appointments of University Councils and senior management is done by the government. Nevertheless, there has been a gradual development toward autonomy and academic freedom that has been documented especially with changes associated with the dynamics of political change. With the onset of the PSSP programmes however a worrying trend of sporadic growth of higher education was observed. Many constituent colleges were sprouting uncontrollably with serious quality issues that rendered qualification from these institutions questionable, hence the establishment of the Commission for University Education whose mandate is to check and regulate standards.

It is our contention therefore that over time, Kenyan Universities have made some gains toward autonomy and academic freedom. However, much can still be achieved with some caution of safeguarding a focus on their mandates as well as quality and standards.

Staff Appointments, Political and Ethnic Considerations and Students' Unrest

Power struggles among various political factions have been witnessed to play out at institutional level (Kiboiy, 2013). After political reforms that saw the re-introduction of multi-party democracy in Kenya, several political parties were formed. Most of these parties relied on ethnic affiliation for support and focused primarily on seizing power (Hornsby, 2011). They used every means to try and undermine the ruling party including disrupting the smooth running of operations in local universities as proof of failure on the part of the government. The student unrest that was so rampant in the 1990s which continued beyond 2000 was associated with these power struggles (Kiboiy, 2013). Political parties often orchestrated unrest in public universities as a means of demonstrating failed leadership.

Universities have a clear mechanism for recruiting and appointing the various cadres of their staff, including those of senior management positions such as the Vice Chancellors and their deputies. This is normally done through a competitive process. Recent events revolving around the appointments to these positions suggest that interests other than identifying suitable candidates adversely impact the process. In quite a few cases politicians have openly demanded the appointment of individuals to these positions. For example, in January 2019, politicians from western Kenya demanded the appointment of a Luhya to the position of Vice Chancellor of Masinde Muliro University of Science and Technology. At Moi university, the appointment of the Vice Chancellor took a political turn when local politicians demanded the appointment of a qualified person irrespective of their ethnicity, alluding to possible consideration of ethnicity in the appointment. The position of Vice Chancellor comes with the control of vast resources and could be perceived to be strategic for political purposes.

National politics, often based on tribalism has been found to cascade to institutions, universities included (Kiboiy, 2013). Negative ethnicity and ethnic alliances have been witnessed in instances where there is competition for appointment to leadership positions at the university especially when there is a crisis such as a student unrest. In the last ten years, local dailies have reported instances where appointments of key administrators of universities have had challenges associated with tribal considerations (Gudo, Oanda & Olel, 2011; Siringi & Letting (2016) Indeed an analysis of the holders of key positions in public universities seem to suggest that the positions are held by persons who hail from the local community in which the university is located. The issue of merit and competence, the ability of staff/employees to deliver and consequently universities to deliver on their mandate is therefore in question.

Siringi and Letting (2016) conclude in their study that while the appointment of Vice Chancellors of public universities in Kenya is guided by several laws and is based on merit there is evidence of appointments that have been influenced by ethnic considerations and political considerations. They assert that the worst impediment to the implementation of the Employment Act and the National Cohesion and Integration Act is the skewed appointments of Vice Chancellors on the narrow basis of the university location *vis a vis* community. They go ahead to conclude that:

Politics may also have played a critical role, where appointments could be used to appease some communities a sign of empowerment of regions and tribes but cleverly targeting numbers of votes from a region or tribe at electioneering date. These scenarios contribute heavily to what we call “bad manners” in the appointment of public civil servants in Kenya in particular Vice-Chancellors. The danger of these categories of appointments endorse ethnicity and therefore have a

chance to permeate into the centre stage of employment of public universities contrary to the law. (P14)

Given these observations, the question of the commitment of the University leadership to its vision, mission and mandate arises. Are these managers committed to delivering on the mandates of the institutions they serve or to the appointing authorities whose interest is political relevance and survival? Going by the open declarations by politicians in the recent past, one would easily conclude that there is a thin line between commitment to the Universities mandate and protecting political interests. While this is the case, the effects of politics and negative ethnicity has been witnessed when it cascades to students and leads to student unrest.

Poor Management of Resources and Corruption

Funding of universities by the Government has been a critical issue that has seriously undermined the operations of public universities. Indeed, the ability of universities to focus on their missions, deliver on their mandates and maintain standards has been a persistent matter in Kenya. However, compounding this has been the issue of the integrity of its leadership and reports of corruption. While universities have not featured prominently in major corruption scandals there have been reports of cases being reported for example senior managers of one of the public universities were in August 2020 charged with embezzlement of funds (Wachira, 2020). In May 2021, the Kenya Revenue Authority froze the bank accounts of two leading higher learning institutions; Nairobi and Kenyatta Universities (Otieno & Olick, 2021).

This is a pointer to serious financial management issues relating to either misappropriation or funding/cash flow problems. In this respect, this paper concludes that the main problem concerning financial resources has to do with Universities not being able to attract sufficient funding to deliver on their mandates, be it from the

Government or private sector. As noted earlier, the Universities Funding Board is at its infancy stage.

Academic Qualifications and Leadership

One of the issues that often comes to the fore concerning leadership at the University is the issue of academic qualification as opposed to technical competence in relevant areas of leadership. In the Kenyan context, as observed in adverts for Vice Chancellors and Deputies, emphasis is that for one to be appointed one should be a professor, irrespective of the field. As such, many of those holding these positions are professors in fields not necessarily related to leadership or management resulting in quite a number of them enrolling for courses in management after the appointment. While research affirms that academic qualification is important in determining one's performance at various leadership positions, the issue of areas of expertise has been a subject of debate; the main issue being appointment on account of highest qualification (professorial) regardless of specialization. Benson, Finegold, and Mohrman (2004) see academic qualification as an indicator of the level of knowledge and skill attained by an individual in an area; and this is what can sustain job performance in the area of qualification. Academic qualification is often used as an indicator of the level to which one possesses the ability to effect an enhanced level of productivity and hence it is always taken as a prerequisite for hiring and appointment (Benson et al., 2004). While some research (Leithwood, Begley, & Cousins, 1994) has demonstrated a positive relationship between qualifications and effectiveness in the management of an organization, others posit that academic qualifications provide one with the ability to enhance and develop the appropriate knowledge, skill and attitude for leadership (Bush, 1998).

Literature also suggests that while academic qualification to the PhD level is associated with effective leadership there is no evidence confirming that better

performance or effectiveness is achieved with professorial qualification. For example, a study by Fajonyomi, Fatile, and Adjuwon (2017) revealed that there is a significant relationship between Vice Chancellor's academic qualifications and organizational stability, conflict management and resolution in Nigerian universities. The study also found that Vice Chancellor's academic qualification has an influence on corporate governance and quality assurance in Nigerian universities. However, the study found that there is no significant relationship between the Vice Chancellor's academic qualifications and management of financial resources. While qualification is important for appointment to these positions, recent studies affirm that qualification should not just be about the highest credential but expertise in technical aspects of organizational management is crucial (Sifuna, 2012). Fajonyomi et al. (2017) in concluding their findings state that:

...being a professor from the catchment area from where a university is located without management training is not enough qualification to be appointed a Vice-Chancellor. There is no doubt that Vice Chancellors that are not from management-related fields have performed poorly in conflict management, quality assurance and ensuring stability in Nigerian universities over the years. It is, therefore, appropriate to conclude that relatively Vice Chancellors that are not from management-related fields have not performed well like counterparts from management-related fields and should therefore be made to undergo management training....(P.61).

Regarding academic qualifications therefore, we find that the tendency of emphasizing academic and especially professorial qualifications for appointment to leadership positions in Kenyan Universities does not add value to the performance of these institutions. Poor management of resources as well as other critical aspects may be associated with this practice. It would therefore be prudent to focus more on the technical aspects and expertise in management.

Conclusion and Recommendations

While several positive developments have been documented, Kenya's higher education is still vulnerable to international and national interests that are not necessarily supportive of Universities' mandates. At the international level, the World Bank and its lending policy have tended to aggravate the inadequate resource situation leading to a compromise of academic standards. This is worsened by political interference emanating from political interests at the national level where appointments to positions of leadership are informed by gaining local support and political leverage. Ethnicity is also emerging as a consideration for appointment to leadership positions. Perennial shortages of resources continue to afflict higher education and the capacity of universities to deliver on their mandate of research and teaching to acceptable standards continues to be of critical concern.

While progress has been made in institutional autonomy and academic freedom, a lot still needs to be done. However, the leeway given to universities to generate income through programmes such as the Privately Sponsored Students Programme (PSSP) led to uncontrolled and unplanned growth which in itself posed a threat to universities' focus on their mandates and the quality of their programmes. As such there should be a cautious balance between autonomy and regulation by government agencies (CUE) to maintain "sanity" in the sector. Poor management of resources coupled with a long tradition of inadequate funding due to an opaque funding model continues to afflict universities. Cases of corruption have been featured in the recent past in local media. Prudent management of resources for maximum delivery of their mandates is also undermined by the emphasis on professorial qualifications at the expense of technical competence and expertise in strategic management, planning and resource management.

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