



UNIVERSITY GOVERNANCE AND LEADERSHIP IN KENYA

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Abstract: *Governance in university education is said to involve the powers to make decisions about fundamental policies and practices in several critical areas concerning universities such as mission, enrolment size, the access of students to instructional programmes and the access of citizens to other services, degree requirements, and freedom available to individual faculty members among other domains. This paper discusses how governance of universities in Kenya is conducted and further highlights leadership qualities that a vice-chancellor, who is the chief executive officer of a university needs in order to govern.*

Keywords: Charter, Governance, Leadership, Statutes, University, Vice-Chancellor

1. INTRODUCTION

From History of Education, we learn that the word university is derived from a Latin word 'universus' meaning "whole, entire or the whole world." Khursheed Butt (2021) conceptualizes a university as:

(...) sort of a world of its own consisting of teachers, scholars, students and others from diverse cultures, races, regions and religious beliefs who interact and question freely to understand, create, and convey(...) Such an interaction is always aimed to gain & apply knowledge to expand personal growth & opportunity, advance social & community development, foster economic competitiveness, and improve quality of life (...)

Khursheed Butt (2021) further argues that a university is unique in the sense that people here enjoy freedom to question, and to explore with intellectual curiosity and without any prejudice different frontiers of knowledge across socio-economic and other domains of human life. Autonomy to foster creativity for the greater good of all, is the guiding principle on which its governance structures are mainly based. So what structures do govern universities in Kenya?

Governance in university education is said to involve the powers to make decisions about fundamental policies and practices in several critical areas concerning universities such as mission, enrolment size, the access of students to instructional programmes and the access of citizens to other services, degree requirements, and freedom available to individual faculty members among other domains (Sifuna, 2006). Kenya has responded to issues of university governance by establishing three instruments:

- 1) Universities Act
- 2) University Charter
- 3) Statutes.

2. UNIVERSITIES ACT

Universities in Kenya are legislated under an act of parliament. Previously, each University was established under its own Act, but at the moment we have Universities Act, 2012 which provides for the development of university education; the establishment, accreditation and governance of universities; the establishment of the Commission for University Education, the Universities Funding Board and the Kenya University and Colleges Central Placement Service Board; the repeal of certain laws, and for connected purposes (Kenya, Republic of, Universities Act no.42 of 2012).

Part 1 Section 3 (1) of the Universities Act 2012 spells out the objectives of university education in Kenya as the:

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- 1) Advancement of knowledge through teaching,
- 2) Scholarly research and scientific investigation;
- 3) Promotion of learning in the student body and society generally;
- 4) Promotion of cultural and social life of society;
- 5) Support and contribution to the realization of national economic and social development;
- 6) Promotion of the highest standards in, and quality of, teaching and research; education, training and retraining higher level professional, technical and management personnel;
- 7) Dissemination of the outcomes of the research conducted by the university to the general community;
- 8) Facilitation of life-long learning through provision of adult and continuing education;
- 9) Fostering of a capacity for independent critical thinking among its students; Promotion of gender balance and equality of opportunity among students and employees.

The above objectives have broadly defined the three functions of a university as: teaching, research and community service.

Part V of the Act that addresses governance in universities, identifies the charter and statutes as instruments of governance and further creates organs of governance.

The organs of university governance under the Act are:

- (a) The **Council**: The overall governing organ
- (b) **Senate**: in charge of all academic matters of the university and shall undertake the functions assigned to it in the Charter of the university.
- (c) **Management Board**: responsible for implementation of the policies of the university and assist in the day-to-day management of the university;

3. THE CHARTER

The University Charter defines the governance of the University: its objects, statutes, ordinances, regulations, officers and powers including those that allow for the

award of degrees (www.aston.ac.uk/Fmanagement-structure/statutes-and-ordinances).

Section 13 of the Universities Act 2012 provides that every university in Kenya is established by a Charter in accordance with the Act of Parliament (in this case, Universities Act 2012) and its variations or amendments.

Application and Award of a Charter

Application for a charter is outlined in Section 19 of the Act, in which application starts with writing to the Commission for University Education in the prescribed manner for accreditation and the grant of a Charter and is usually accompanied by a draft of the Charter that provided for the following:

1. Governance structures and systems;
2. Members and staff;
3. Financial management systems;
4. Development of the Statutes;
5. Use of the common seal and custody' of instruments of authority;
6. Process of voluntary winding up;
7. The procedure for vetting of applicants and nominees for the office of Chancellor; and
8. The core courses offered at the university;
9. The infrastructure in place or proposed infrastructure and the locations thereof.

The Commission then forwards the application the Cabinet Secretary who considers the report and the recommendations submitted and if satisfied that the application meets the requirements for the establishment of a university, recommends to the President for the grant of a Charter, either in the form of the draft Charter submitted with the application or in such other form as the Commission may consider appropriate.

A university granted a Charter:

- 1) Shall be a body corporate, and as such shall continue the activities of the university including the employment of staff, except where activity is expressly altered under the Charter.
- 2) Shall mobilize academic resources;



- 3) May develop and mount its new academic programmes subject to review by the Commission for University Education in accordance with the provisions of the Act;
- 4) May establish campuses and constituent colleges which must conform to standards established by regulations made under the Act, and
- 5) May award degrees, including honorary degrees.

Revocation of a Charter

Section 22 of the Act gives the president powers to revoke a charter of a university:

- 1) The President may, on the recommendation of the Commission through the Cabinet Secretary, revoke, vary or in any other way amend the provisions of a Charter if of the opinion that the revocation, variation or amendment is in the best interest of university education in Kenya.
- 2) A variation or amendment may include the introduction of such mechanisms as shall enable the university concerned to better carry out its functions.
- 3) A recommendation for revocation is only made after the University has been afforded the opportunity to be heard and the Commission has, in accordance with the regulations, inspected the university concerned, and is satisfied that the university is unable to contribute to the objectives of university education as set out in the Act.
- 4) If a Charter is revoked the Cabinet Secretary shall forthwith cause a notice of revocation to be published in the Gazette, and the university concerned shall cease to be a university at the expiry of one year from the date of the notice.
- 5) The revocation of a Charter does not affect the validity of any academic award made by the University before the revocation.
- 6) Upon the revocation of a Charter, the Cabinet Secretary may, in consultation with the Commission in the case of a public university, or with the Commission and the sponsor in the case

of a private university, appoint such person or persons as the Cabinet Secretary may deem appropriate to administer and manage the university for the better protection of the interests of the students and staff of the University.

4. STATUTES

Statutes form the supreme law and ordinances that provide detailed information about the running of the University in terms of its governance.

5. INSTRUMENTS OF AUTHORITY

A university established either chartered or operating on Letter of Authority has authority to:

- 1) Award Degrees
- 2) Unique identification
- 3) Legal entity.

Section 65 of the Universities Act stipulates that a university shall possess a Mace, Seal and Logo as its instruments of Authority.

5.1. The MACE

Historically, the mace is a symbol of authority dating from medieval times when knights carried them during processions with their kings. As the tradition grew, the mace became a ceremonial symbol of peaceful leadership, and maces were embellished with jewels and metals (Good, 2008). Today, a university's mace is carried during commencement and inaugural and other academic ceremonial processions.

The **mace** symbolizes the **University's** governing authority and is present only when the president or Chancellor and regents are in attendance. It signifies the proceedings have official sanction (Good, *Ibid*).

5.2. SEAL

The Seal is used to authenticate documents in the **University's** name and is most commonly affixed to testamurs and other award certificates, but may also be affixed to deeds, and occasionally to other contracts and agreements (Good, *Ibid*).

Part 2 of Section 65 of the Universities Act states that a common seal of a university shall be kept in such custody



as the University may in its Charter direct and shall not be used except in the manner authorized by the university.

All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of a university:

(a) where they are required to be under seal, if sealed with the common seal of the university and authenticated by the Chairperson of the university council and any other officer of a university so authorized by the University in the provisions of its Charter;

(b) Where they are not required to be under seal, if executed on that behalf by a member authorized by the University council in the provisions of the Charter for that purpose.

A deed, instrument, contract or other documents executed shall be effective in law to bind a university and its successors and may be varied or discharged in the same manner as that in which it was executed.

5.3. THE LOGO

A logo is image (s), text (s), shape(s), or a combination of the three that depict the name and purpose of a business or an entity. If designed well, it also tells a company's story, by conveying brand message in a way that helps to establish an emotional connection with target audience. A logo is important for a number of reasons, mainly being that it:

- 1) Makes a great first impression, which invites customers to interact with the entity or brand
- 2) Helps to create a brand identity
- 3) Gives an entity a symbol through which people could have a better memory
- 4) Distinguishes an entity from competitors
- 5) Fosters brand loyalty

With above governance structure and authority, universities are expected to contribute to the communities in the following respects:

- 1) To develop human resources who are competent to manage socio-economic domains professionally

and efficiently in their chosen fields of specialisation with a spirit of social justice.

- 2) To build character, enable learners to be ethical, rational, compassionate, caring with an urge to engage vigorously & fearlessly in the spirit of truth by providing a platform to debate with the purpose to learn and relearn, while at the same time prepare them for gainful employment.
- 3) To innovate new technologies, processes and plausible solutions to the socioeconomic problems being faced at the local, national and global level respectively to advance social and community development, foster economic competitiveness, and improve quality of life of people.
- 4) To develop students for leadership in public life by offering an environment which stimulates and nurture their attitudes & interests for assuming leadership roles in public life.

As Butt (2021) points out:

The achievement of these cherished goals requires existence of an enabling ecosystem, the most critical elements of which includes(...) autonomy to govern free from external interference and a well-articulated 'Institutional Vision'; and dynamic governance structures and systems, consistent with the 'Institutional Vision and Mission' statements.

The question that needs exploration is what sort of leadership qualities and approaches coupled with the cherished goals of university education, could articulate the highlighted governance. For answers, a revisit of Butt (2021) conceptualization of leadership qualities of a vice-chancellor is done. According to Butt (2021), the leadership role of an 'Academic Leader' is all the more important to navigate an university seamlessly to achieve excellence in its stated goals. The criticality of leadership in universities is more pervasive as it acts like a pivot around which rotates the entire edifice. Butt (2021) puts it:



(...) As being cornerstone of a university on which learning communities function and grow, these can make or mar a university. A leader is the one who influences the behaviour of the people around him or her in a manner to inspire them to transcend their self-interests and strive willingly and enthusiastically to achieve organisational goals (...) To be able to make everybody in the organisation to work tirelessly towards a common goal of achieving excellence, apart from being a noted academician with a strong administrative acumen, a vice chancellor needs to possess five leadership qualities like; Leadership in vision, Leadership in integrity, Leadership in excellence, Leadership in accountability and transparency, and Leadership in autonomy and teamwork(...)

6. LEADERSHIP QUALITIES OF A VICE-CHANCELLOR

From The University of Nairobi website (<https://www.uonbi.ac.ke/vice-chancellor>), we learn that a Vice-Chancellor is the academic and administrative head of a University and is responsible to the Council for maintaining and promoting the academic image and maintaining and promoting the efficiency and good order of the University. A Vice-Chancellor is by virtue of office a member of every committee appointed by the Council or Senate, unless otherwise expressly provided. A Vice-Chancellor is also by virtue of being the overall administrative head of the University, the accounting officer of the University. Finally, a Vice-Chancellor is responsible for policy matters, planning, coordination, public relations, fund-raising and general development of the University.

a) Leadership in Vision/Mission: There is a common saying in management that "No road will lead you to the destination, if you don't know where you are

going". This reflects the essence of having a clear vision to be achieved by a leader. A leader can meet the aspirations of the people only when he or she is a visionary. A visionary leader is one who is able to gauge the potential of his nation or institution and at the same time has a clear idea of how to get there. Therefore, to achieve excellence in whatever a university does, a vice chancellor needs to be a visionary with great passion i.e. has to have a very clear and realistic description of what a university would like to achieve in the future.

b) Leadership in Accountability & Transparency: Successful leaders are anti status quo, thus creative and innovative. To achieve excellence, creative leaders take initiatives often involving calculated risks while considering the common good. But what makes them to inspire and make everybody to rally in support of new initiatives, the leader takes the responsibility and ownership for decisions, actions and results. Besides, they believe in greater transparency in whatever they do which leaves no room for people in the organisation to unnecessarily attach ulterior motives, rather helps to earn trust and confidence of everybody in the organisation. It is not only the vice chancellor taking responsibility for decisions but all in the university need to be made accountable for their expected roles.

c) Leadership in Excellence: It implies that an academic leader should strive for excellence in everything they do by continuously cultivating 'Intellectual, Physical & Spiritual' culture throughout the organisation. This is possible only when an academic leader places premium only on merit, performance and personal integrity rather than on personal relations. Vice chancellors with leadership in excellence, leaves no scope for favouritism, nepotism and personal likings and



dislikings rather makes 'Merit, Merit and Merit' only his or her mantra in governance. Such a situation in an organisation makes everyone to believe that to earn positions/ promotions, one would need to invest their time and energies in achieving excellence in their respective domains rather in wasting time in cultivating relationships

e) Therefore, to be successful, an academic leader has to work cooperatively as a member of a team and remains deeply committed to the overall team/institutional goals rather than own interests.

g) merely due to their natural resources endowments but through morality and inspired vision of their leaders which is more true about the academic institutions. Therefore, ultimately it is the "Honesty and Personal Integrity" of a vice chancellor which matters the most.

7. CONCLUSION

Butt (2021) puts a rider to the leadership qualities of a vice-chancellor:

(...) Only genuinely distinguished academicians are seen to possess the above stated interconnected leadership qualities which are highly essential to navigate academic institutions towards achieving excellence in whatever they do. Such great academicians are generally having selfless devotion to the institutional goals (...)

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to seek favours, thus promotes healthy work culture.

d) Leadership in Teamwork: Teamwork is essential to achieve organisational goals as it motivates unity in the workplace, offers differing perspectives & feedback, offers greater learning opportunities and promotes workplace synergy.

f) Leadership in Integrity: The pivot around which all the above stated core values of academic leadership rotates is the 'Leadership in Honesty and Personal Integrity' of a leader. It is an established fact that the nations become great not

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